1497.

SUPREME COURT OF THE UNITED STATES.

No. 191.

THE UNITED STATES, APPELLANT,

vs.

HENRY TURNER'S HEIRS.

APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE DISTRICT OF LOUISIANA.

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UNITED STATES DISTRICT COURT,
For the district of Louisiana:

HEIRS OF HENRY TURNER
vs.
THE UNITED STATES. } No. 32.

Be it remembered that, heretofore, to wit, on the twelfth day of June, in the year of our Lord one thousand eight hundred and forty-six, the heirs of Henry Turner, by their attorneys, Prentiss and Finney, esqrs., came into the office of the clerk of the said court, and filed their petition, which is in the words and figures following, to wit:

To the honorable Theodore H. McCaleb, judge of the district court of the United States for the district of Louisiana.

The petition of Sarah Turner, the wife of Jared D. Tyler, who is authorized and assisted herein by her said husband; Eliza Turner, wife of John A. Quitman, who is in like manner authorized and assisted by her said husband; Henry Turner, and George W. Turner, all of whom are citizens and residents of the State of Mississippi, respectfully represents: That these petitioners are the said Sarah, former wife, and the others the children and sole heirs and legal representatives of Henry Turner, deceased, who died on the day of , at , in the State of Mississippi, of which State he was a citizen and resident; that, as such wife, heirs and legal representatives, they are the owners of the following described lands and hereditaments, lying and being in the State of Louisiana, within the jurisdiction of this honorable court, to wit, a part of those tracts of land lying upon the Washita river, commonly known as the "Maison Rouge Grant," and hereinafter more particularly described; which lands, so owned by these petitioners, are more particularly described upon a certain map or survey of said Maison Rouge grant, made on the 27th March, 1820, by John Dinsmore, deputy surveyor of the United States, by order of Thomas Freeman, then surveyor general of the United States south of the Tennessee river, as follows: Lots Nos. four, five, six, and nine, lying on both sides of said river Washita, and within tracts Nos. one and two, of said grant and survey; also lots Nos. ten and eleven, on the west side of the said river, in said tract No. one, and about six hundred and thirty-two acres of that part of lot ten, lying on the east side of said river, in tract No. two, all within said tracts one and two; also one undivided fourth part of tracts Nos. three and four, of said grant and survey; the whole together amounting to fifty thousand acres, more or less.

And petitioners ask leave hereafter to file a copy of said map and survey, the same not being now in their possession, which, when filed, will be marked exhibit (A), and is prayed to be taken [as] part of this petition.

1499.

And petitioners will proceed to state plainly, fully, and substantially, the nature of their claim to the lands and hereditaments before mentioned.

They state and set forth, that on the 17th of March, 1795, the Baron de Carondelet, then the military and civil governor of the province of Louisiana and West Florida, Don Francis Rendon, the intendant of the army and deputy superintendent of the royal domain in the said province, and Don Joseph de Orne, principal accountant of the royal treasury of the said province, and performing the duties of fiscal of the royal treasury, entered into a contract with the Marquis de Maison Rouge, a French emigrant, who had proposed to bring into said province thirty emigrant families for the purpose of forming an establishment upon the Washita river; by which contract they bound the royal treasury to defray the expenses of transportation of said families and to pay them besides from one to four hundred dollars a family, and to give them tracts of land, &c., as specified in said contract; which contract was approved by the King of Spain, on the 4th of July, 1795; which contract will be produced and shewn at the hearing.

That, in the beginning of June, 1797, said Marquis de Maison Rouge having nearly completed his establishment under said contract, and having received no personal benefit in compensation therefor, and for the purpose of finally settling all difficulties in relation to said contract, applied to the Governor Carondelet aforesaid, who had full power and authority in the premises, for a grant of land to himself; that, thereupon, said governor ordered and directed Don Carlos Trudeau, the royal surveyor of the province of Louisiana, to select from the royal domain, for the said Marquis de Maison Rouge, thirty square leagues of land on the Washita river aforesaid, and to make a plan thereof, referring to certain natural boundaries, so that the same might be identified; and that, on the 14th June, 1797, said Trudeau did make the selection and plan required, and annexed thereto his certificate, a copy of which is herewith filed, marked exhibit (B), and made part of this petition, and the original of which will be proved at the hearing; that said figurative plan and certificate were reported and returned to said Governor Carondelet, before the date of the grant hereinafter mentioned, who thereupon, and in express reference thereto, and with full and ample authority and power so to do, did, on the 20th June, 1797, grant to the said Marquis de Maison Rouge, who was then a resident of said province of Louisiana, thirty square leagues of land, as selected and designated in said figurative plan prepared and reported by said Trudeau, royal surveyor as aforesaid; which grant being translated, is in substance as follows:

The Baron de Carondelet, knight of the order of St. John, marshal de camp of the royal armies, governor general and vice patron of the provinces of Louisiana and West Florida, inspector of the troops, &c., &c., for as much as the Marquis de Maison Rouge is near completing the establishment of the Washita, which he was authorized to make for thirty families by the royal order of the 14th July, 1795, and desirous

to remove for the future all doubts respecting other families or new colonists who may come to establish themselves, we destine and appropriate conclusively for the establishment of the aforesaid Marquis de Maison Rouge, by virtue of the powers granted to us by the King, the thirty superficial leagues marked in the plan annexed to the head of this instrument, with the limits and boundaries designated with our approbation by the surveyor general, Don Carlos Laveau Trudeau, under the terms stipulated and contracted for by the said Marquis de Maison Rouge; and that it may at all times stand good, we give the present, signed with our hand, sealed with our seal at arms, and countersigned by the underwritten commissary of war and secretary of his majesty for this commandancy general.

(Signed) The BARON DE CARONDELET,
ANDRE LOPEZ ARMESTO.

NEW ORLEANS, the 20th of June, 1797.

Note. That, in conformity to his contract, the Marquis de Maison Rouge is not to admit or establish any Americans in the land included in his grant; signed the Baron de Carondelet; the original of which grant will be produced and proved at the hearing.

And petitioners aver that the Baron de Carondelet had full power and authority to make said grant, and that the same was or might have been perfected into a complete title, under and in conformity to the laws, customs, and usages of the government of Spain, in the province of Louisiana aforesaid, had not the sovereignty of the country been transferred to the United States; and that said grant was and is protected and secured by the treaty between the United States and the French Republic, of the thirtieth day of April, 1803.

Petitioners further aver, that said Marquis de Maison Rouge took possession of said grant and fulfilled and performed all the conditions annexed thereto, which he was bound to fulfil, and continued in possession until the time of his death; that said Marquis de Maison Rouge died about the day of 1800; that, previous to his death, to wit, on the 26th August, 1799, he executed his nuncupative testament in due form, by which he constituted one Louis Bouligny, a resident of said province of Louisiana, his universal legatee, by virtue whereof said Bouligny became the owner of said grant; that said will was duly ordered to be executed; that said Bouligny took possession of the estate of said Marquis de Maison Rouge, by virtue of said will; and afterwards, to wit, on the 16th July, 1803, 1st of June, 1804, and 12th January, 1812, by separate acts of sale of said several dates, conveyed and sold said tracts of land and his entire interest in said grant, for good and valuable consideration, to one Daniel Clarke; that said Daniel Clarke, after conveying one undivided half of said grant, departed this life on the day of August, 1813, leaving a will by which he instituted his mother, Mary Clarke, his universal heir and legatee, and appointed Richard Relf and Beverly Chew his executors; that said will was ordered to be executed by the court of probates of the

parish of Orleans; and that, on the 26th January, 1817, the said Chew and Relf, as executors as aforesaid, and as attorneys in fact of said Mary Clarke, sold to the said Henry Turner, by act of sale of that date, for good and valuable consideration, one undivided fourth part of said grant to the said Marquis de Maison Rouge; full proof of which will be adduced at the hearing of this cause.

Petitioners further state, that by various mesne conveyances one Daniel W. Coxe, a citizen of the State of Pennsylvania, became the owner and proprietor of the other three fourths of said grant, and that by an act of partition executed by said Coxe and Turner, on the 27th March, 1820, and by divers other acts and deeds of sale and exchange between said Coxe and Turner, the said Turner became the sole proprietor and owner; and said petitioners, as his wife, heirs, and legal representatives, are now the proprietors and owners of said lots and parts of lots above described in tracts Nos. one and two of said grant, and of said one undivided fourth part of tracts Nos. three and four of the same, as laid down in said plan and described in said certificate of Trudeau, and said survey of Dinsmore.

Petitioners further show, that by order and direction of Thomas Freeman, then surveyor general of the United States, south of the Tennessee river, John Dinsmore, a deputy surveyor of the United States, made on the 27th March, 1820, an actual survey of the said grant, in which he followed the aforesaid figurative plan and certificate of the said Trudeau, of the 14th June, 1797; that said survey was returned and approved by the said survey general, and that the same is now of record in the land office of the United States, and has ever since been recognised by the Government of the United States as a true and correct survey according to said plan, certificate, and grant of the Spanish authorities, by withholding from public sale the lands embraced therein as being embraced in said "Maison Rouge grant;" and also by the action of both branches of Congress in relation thereto, and by continual assent of all the officers of Government; that by said survey said grant is divided into four distinct tracts, numbered one, two, three, four, which tracts are again subdivided into lots, as will more fully appear by reference to a copy of said survey, to be herewith filed as exhibit "A" as above mentioned; the whole grant containing two hundred and eight thousand three hundred and forty-four superficial arpents or thereabouts; that by virtue of said grant, plan, and survey, said thirty square leagues were and are to be computed exclusive of all land embraced in said four tracts or grants held or possessed by other persons, by virtue of complete titles, called titles in form or by incomplete titles, called first decrees of concession; and should said tracts, embraced in said survey of Dinsmore, fall short of the amount of thirty square leagues after excluding therefrom all such "titles in form and first decrees of concession," then said petitioners claim from the United States their one undivided fourth part of such other vacant lands as may be necessary to supply the deficiency according to the true terms, intent, and meaning of said grant.

Your petitioners further show, that said grant and claim was submit-

ted, in accordance with the provisions of the act of Congess upon the subject, by the aforesaid Louis Bouligny, to the board of commissioners for the western district of Louisiana, appointed by act of Congress to examine and report upon such claims; which board on the 14th December, 1812, made a report thereon, in which they recognised the same as a valid grant, and recommended the same for confirmation; and petitioners herewith file a copy of the proceedings and report of said board of commissioners, which is marked exhibit (C), and made part of this petition.

Your petitions further state, that they have sold a portion of said lands to various persons, who now hold under them, and by their permission, and who they pray may be permitted to join them as co-plaintiffs if they choose so to do.

They further state, all said lands so claimed by these petitioners are claimed by the United States as a part of the public domain, and that the United States is by reason thereof interested therein.

Wherefore, the premises being considered, your petitioners pray that the United States may be made defendants hereto, and be cited, through their district attorney, to appear and answer this petition, and that this court will proceed to inquire into the validity of their title to the lands so claimed by them as aforesaid, and after due proceedings had, decide upon the same; and by a final judgment decree that petitioners are the true owners of said lands as against the United States, that the claim of the United States is not valid, and that the claim of petitioners is valid thereto; and petitioners ask for such other and further relief as may seem meet and proper.

PRENTISS & FINNEY,
For petitioners.

Documents made part of the foregoing petition.

Exhibit B, copy of Trudeau's certificate.

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &c.

Certifico a favor del Señor Marques de Maison Rouge, que los terrenos figurados en el plano que precede de color de vermilion pueden contener trenta leguas planas, (a favor,) el primero pano marcado No. 1, sobre el margen derecho del rio Ouachitta. A tomar o cinco arpanes mas abajo de la voca del bayu de la Cheniera au Tondro, hasta el bayu Calumet, con el fondo correspondiente, a fin de completar ciento y quarenta mil arpanes planos; el segundo pano, marcado No. 2, sobre el margen isquierdo del mismo rio Ouachita, a tomar a dos leguas mas abajo del fuerte miro, y en la punta llamada l'aine, hasta una legua mas abajo de la praderia de la con el fondo correspondiente para completar sesenta mil arpanes planos; el tercero pano, marcado No. 3, a tomar en frente del bayu la Loutre, y desde ally sobre una linea tirada del sur sesenta y cinco grados este, hasta el bayu de Siar; aquella linea el bayu Siar, el de Bartelemy, y el rio Ouachita dive limitar; dicho pano

No. 3 y el pano No. 4, sobre el margen derecho del rio Ouachita, a tomar en frente de la entrada de bayu Barthelemy. Baxando el rio hasta al bayu la Loutre, cuyos panos No. 3 y 4, con el fondo correspondiente, deven completar ocho mil tres cientos quarenta y quatro arpanes planos, agregados con los panos No. 1 y 2, forma una superficia total de dos cientos y ocho mil tres cientos quaranta y quatro arpanes planos, igual a los trenta leguas anteds., a rason de dos mil quiniento toesas por lados, a cada legua lo que es la mediola agraria en esta provincia. Bien entendido que los terrenos incluidos en los anteds. terrenos sea con titula en forma, o en virtud de primero decreto de concesion, no deven entrar en el complemento de los anteds. treinta leguas; bien el contracto prometa al Señor Marques de Maison Rouge, de no prejudicar a ninguno de los occupantes, prometiendo de mantener y a payarlos en todos sus derechos, pues se a caso los anteds. treinta leguas podecen algunas limitation respecto á las tierras ocupadas no avra ninguno inconveniente para que dho. señor marques puedese completarse en otro paraje, qualquiera donde se hallan tierras vacantes, y de la conveniencia y a satisfaction del interesado, y para que conste, doy la presente con el plano figurativo que antecede, por modos de orden del señor governador general el Señor Baron de Carondelet; de todo lo que doy fe, a quatorze Junio, de mil setecientos noventa y siete anos.

Signed, CARLOS TRUDEAU.

Anotado en el libro A No. 1, vergo 38 y copia secada.

Exhibit C, being the report of the board of commissioners.

Louis Bouligny claims thirty square leagues of land in the county of Ouachitta, by virtue of a grant executed by the Baron de Carondelet in favor of the Marquis de Maison Rouge, bearing date the twentieth day of June, 1797, which, together with a plat of survey by Don Carlos Trudeau, a petition signed by Daniel Clarke, and an answer thereto accompanying the notice of the claim.

The undersigned commissioners have compared the documents of title filed in this claim, with the translation of them in pages 67, 68, and 69, of the appendix to the book entitled "Land Laws," &c., and find the said translation to be correct so far as it goes. The certificate or (procès verbal) which the surveyor general has annexed to his plat, not appearing in said book, a translation of that document, together with a copy of the plat, is transmitted for the further elucidation of the claim. No oral or other testimony has been adduced before the board to establish the occupancy of any part of these lands, or that there has been a compliance on the part of the grantee with the conditions stipulated in the contract, except the certificate under date of the 5th of August, 1803, signed by Gilbert Leonard and Manuel Armirez, to the translation of which, in page 69 of the appendix of said book, the commissioners beg leave to refer.

The undersigned have observed a remark in the 25th page of the introductory part of book entitled "Land Laws, &c.," that no patent has issued in the claim under consideration. With great deference for that

authority, the undersigned commissioners cannot but be of opinion that the instrument under date of the 20th June, 1797, is a patent for what was usually in Louisiana denominated title in form, transferring to the Marquis de Maison Rouge the title in as full and ample a manner as lands were usually granted by the Spanish government, subject, however, to the conditions stipulated in the contract with the government. The plat of survey above referred to will be found subjoined to this report.

REGISTER'S OFFICE, *Opelousas*, 16 *April*, 1819.

I certify that the foregoing is a true copy of the report made on the 14th day of December, 1812, on the claim of Louis Bouligny, among other claims to land in the county of Washita, by the commissioners appointed for the purpose of ascertaining and adjusting titles and claims to land in the western district of the late Territory of Orleans, now State of Louisiana, and that in the said report the foregoing is classed among claims which, in the opinion of the said commissioners, ought to be confirmed.

Given under my hand at the land office, Opelousas, the date above written.

LEVIN WAILES,
Register of the Land Office.

☞ See an act of Congress passed on the 29th of April, 1816, entitled "An act for the confirmation of certain claims to land in the western district of the State of Louisiana and in the Territory of Missouri."

And afterwards, to wit, on the 13th day of June, 1846, the following citation was issued from the office of the clerk of the said court:

United States district court, sitting in and for the district of Louisiana.

To the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, U. S. district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court to be holden at New Orleans on the first Monday of July, 1846, then and there to answer a petition in chancery, filed against the United States, wherein the heirs of Henry Turner are petitioners, and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this 13th day of June, New Orleans, 1846, and 70th year of American independence.

L. E. SIMONDS, *Dep. Clerk.*

Mem.—The defendant is to enter an appearance in the above cause in the clerk's office on or before the first Monday of July, 1846, otherwise the petition may be taken pro confesso.

Marshal's return on the foregoing citation.

Received this 13th day of June, 1846, and on the 15th day of June, 1846, served copies of the within citation, plaintiffs' petition and documents annexed, on the within named the United States, in the manner following, to wit, by handing the same to S. W. Downs, esq., district attorney, in person, at New Orleans, and returned the same into court, 15th June, 1846.

For W. F. WAGNER, *U. S. Marshal.*
J. H. RINEHART, *Dep. U. S. Marshal.*

And afterwards, to wit, on the 26th November, 1846, the United States, by their district attorney, Thomas J. Durant, came into the office of the clerk of said court, and filed the following answer:

HEIRS OF TURNER
vs.
THE UNITED STATES.

In the district court of the United States for the district of Louisiana.

The defendants, by their attorney, now come, and for answer to plaintiffs' petition deny generally all the facts and allegations therein contained.

Wherefore they pray to be hence dismissed with costs.

THOMAS J. DURANT, *Att'y, U. S.*

And afterwards, to wit, on the 1st of July, 1847, the following order was entered of record:

HEIRS OF HENRY TURNER
vs.
THE UNITED STATES.

By consent of Prentiss & Finney, attorneys for the plaintiffs, and Thomas J. Durant, attorney for the defendant, it is ordered that commissions remain open, and the time for taking testimony in this case be extended until the first Monday of November next.

And afterwards, to wit, on the 20th of December, A. D. 1847, the plaintiffs and defendants appeared by their respective attorneys, and filed in the clerk's office the interrogatories and cross interrogatories hereinafter copied on page 33 et seq. of this transcript, and therewith the following consent:

It is agreed, that a commission may issue upon the foregoing interrogatories and cross interrogatories, directed to any justice of the peace in Louisiana. All objections to the competency of the testimony are reserved, but mere matters of form in mode of taking the same are waived.

New Orleans, 20 December, 1847.

THOMAS J. DURANT,
Attorney of the United States for the district of Louisiana.
PRENTISS & FINNEY,
For compl'ts.

And further, on the same day, the following order was entered of record, to wit:

HEIRS OF HENRY TURNER vs. THE UNITED STATES. } 32.

Upon motion of S. S. Prentiss, esq., of counsel for the plaintiffs in the above cause, and filing the consent thereto of the district attorney, it is ordered, that a commission be issued, to take testimony, to be used on the trial of said cause, according to the interrogatories and cross interrogatories on file.

And afterwards, to wit, on the 4th of March, 1848, the following consent to waive replications was filed of record in the clerk's office:

THE HEIRS OF HENRY TURNER vs. THE UNITED STATES. }

It is agreed, between Thomas J. Durant, U. S. district attorney, on the part of defendant, and Prentiss & Finney, attorneys for the plaintiffs, that replication shall be considered as filed, and this cause at issue; and the depositions heretofore taken shall be read at the hearing in the same manner as if regularly taken after replication filed; all objections to the competency of the testimony hence are reserved.

PRENTISS & FINNEY,
Attorneys for complainants.
THOMAS J. DURANT,
Attorney, U. S.

And further, on the same day, the following release of Louis Bouligny from liability and responsibility was likewise filed of record:

Know all men by these presents, that we, the undersigned widow and heirs of Henry Turner, deceased, do, by these presents, forever and entirely discharge and release Louis Bouligny, of the State of Louisiana, from all liability and responsibility whatsoever, either at law or in equity, for all warranties and acts of sale made by the said Louis Bouligny to all or any part of the lands comprehended in what is commonly called the Maison Rouge grant; and from all demands and claims whatsoever which we may in any wise have against him, either on account of said act or acts of sale, or for any reason whatever, hereby wholly releasing and discharging him from the same.

Witness our hands and seals, at Natchez, this twenty-sixth day of May, A. D. 1846.

SARAH TYLER, [SEAL.]
ELIZA QUITMAN, [SEAL.]
J. A. QUITMAN, [SEAL.]
HENRY TURNER, [SEAL.]
J. D. TYLER, [SEAL.]
G. W. TURNER. [SEAL.]

Signed, sealed, &c., in presence of—
C. R. RAILEY,
J. T. McMURRAN.

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And afterwards, to wit, on the 28th of March, 1848, the following supplemental answer was, on the part of the defendants, filed by Thomas J. Durant, attorney of the United States for the district of Louisiana:

HEIRS OF TURNER
vs.
THE UNITED STATES.

To the honorable Theodore H. McCaleb, judge of the district court of the United States for the district of Louisiana.

The supplemental answer of Thomas J. Durant, attorney of the United States for the district of Louisiana, and of the defendants to the bill of complaint and petition of the Heirs of Turner, complainants and petitioners:

The attorney of the United States aforesaid, and the defendants, now and at all times hereafter, saving and reserving to himself and the said defendants all and all manner of benefit or advantage of exception which can or may be had or taken to the many errors, uncertainties, and other imperfections in the said complainants' bill of complaint and petition contained, for supplemental answer thereto, or unto so much or such parts thereof as the attorney aforesaid and these defendants are advised is or are material or necessary for them to make any answer unto, this defendant, the attorney of the United States aforesaid, answering, saith: That he is a stranger to the several matters and things in the said complainant's said bill of complaint and petition contained; and this defendant further saith, that he claims such rights and interests under the treaties, statutes, and law pertinent to this matter, for and on behalf of the United States, as this honorable court shall be of opinion that the United States are justly entitled to.

And this defendant denies all and all manner of unlawful combination and confederacy wherewith he is by the said bill and petition charged; without this, that there is any other matter, cause, or thing, in the said complainants' said bill of complaint and petition contained, material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed, and avoided, or denied, is true, to the knowledge or belief of this defendant. All which matters and things this defendant is ready and willing to aver, maintain, and prove, as this honorable court shall direct; and humbly prays to be hence dismissed, with his reasonable costs and charges in this behalf most wrongfully sustained.

THOMAS J. DURANT,
Attorney of the United States for the district of Louisiana.

And afterwards, to wit, on the 3d of April, 1848, the following replication, on behalf of the plaintiffs, was filed of record by their attorneys:

In the district court of the United States, for the district of Louisiana.

HEIRS OF HENRY TURNER
vs.
THE UNITED STATES.

The replication of all the complainants in the above named case to the answer of the defendant:

These complainants, saving to themselves all manner of exception to insufficiencies of said answer, for replication thereto say, that they will aver and prove their said bill to be true, certain, and sufficient in law to be answered unto, and that the said answer of the defendant is uncertain, untrue, and insufficient to be replied unto by these complainants; without that, that any other matter or thing in said answer contained, material in law to be replied to, and herein not replied unto, confessed and avoided, traversed or denied, is true. All which matters and [things] these complainants are and will be ready to aver and prove, as this honorable court shall direct; and they humbly pray as in their said bill they have already prayed.

PRENTISS & FINNEY,
Solicitors for complainants.

And afterwards, to wit, on the 5th of April, 1848, the following entry was made of record:

HEIRS OF HENRY TURNER
vs.
THE UNITED STATES. } 32.

On motion of Prentiss and Finney, solicitors for complainants, it is ordered by the court, that the defendants show cause, if any they have, on Thursday, the 6th instant, at 10 o'clock, A. M., why this court should not order the following issues in this cause to be directed and tried by a jury as disputed facts, according to the power vested in this court by the 2d section of the act of 26th May, 1824, entitled "An act enabling the claimants to lands within the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims, and the subsequent acts amending and reviving the same."

The complainant moves the court that the following issues at law of disputed facts, in controversy in the above cause, be awarded to be tried by a jury before this honorable court:

1st. Is the document annexed to the deposition of Charles Tessier, purporting to be a grant of thirty square leagues of land, from Baron de Carondelet to the Marquis de Maison Rouge, bearing date the 20th of June, 1797, a genuine grant? Are the signatures of Carondelet annexed thereto genuine? Was said grant executed at the time of its date?

2d. Was said grant a perfect and complete grant according to the laws, usages, and customs of the Spanish Government, in relation to granting lands in the province of Louisiana, at the time of its execution? Was the Baron de Carondelet the Spanish governor at that time?

Had he the power and authority, by the laws of Spain, to make said grant?

3d. Is the original figurative plan and certificate, here produced to the jury, and of which the document marked B, annexed to the deposition of Charles Tessier, is a correct copy, which original purports to be a figurative plan and procès verbal of thirty superficial leagues of land laid off and appropriated for the Marquis de Maison Rouge, on the 14th June, 1797, by Carlos Trudeau, surveyor general, genuine? Is said signature, plan, and certificate wholly in the handwriting of said Carlos Trudeau? Was said plan and certificate made and executed by said Carlos Trudeau, at the time when by its date it purports to have been made, to wit, on the 24th day of June, 1797? Is said plan and certificate the same plan and certificate referred to in the grant from Carondelet to Maison Rouge, mentioned in the two preceding issues? Was said plan and certificate in existence at the date of said grant from Carondelet to Maison Rouge? Was said plan and certificate the basis of said grant and of the description and location of the lands embraced therein?

4th. Was said Carlos Trudeau guilty of any fraud in relation to said plan and certificate? Did he antedate the same, or cause its being done, or consent to it? Is said plan and certificate antedated?

5th. Was Carlos Trudeau surveyor general at the time of the date of said plan and certificate? Was he the proper officer to make the same? Is said plan and certificate executed according to the laws, usages, and customs of the Spanish Government at that time, in granting lands in the province of Louisiana?

And afterwards, to wit, on the 6th of April, 1848, the following entry was made of record:

HEIRS OF HENRY TURNER
vs. } 32.
THE UNITED STATES.

The rule taken yesterday was this day argued by Prentiss for the plaintiffs, and Durant for the defendants.

The court then took the subject under advisement.

And afterwards, to wit, on the 10th of April, 1848, the following entry was made of record:

HEIRS OF HENRY TURNER
vs. } 32.
THE UNITED STATES.

The court having taken under consideration the motion entered on the 5th day of April, this day ordered the following issues to be directed to and tried by a jury as disputed facts:

Issues.

First. Whether the document annexed to the deposition of Charles Tessier, purporting to be a grant of thirty leagues square of land, from the Baron de Carondelet to the Marquis de Maison Rouge, and bearing

date the 20th of June, 1797, be genuine; whether the signatures of Carondelet thereto annexed, be genuine; whether said document was executed at the time of its date.

Second. Whether the figurative plan and certificate here produced to the jury, and of which the document marked B, and annexed to the deposition of Charles Tessier, is a correct copy; which original purports to be a figurative plan and procès verbal of thirty superficial leagues of land, laid off and appropriated for the Marquis de Maison Rouge, on the 14th of June, 1797, by Carlos Trudeau, surveyor general, be original and genuine; whether said signatures, plan, and certificate be wholly in the handwriting of said Carlos Trudeau; whether said plan and certificate was made and executed by said Carlos Trudeau at the time when, by its date, it purports to have been made, to wit, on the 14th of June, 1797; whether said plan and certificate be the same plan and certificate referred to in the grant from Carondelet to Maison Rouge, which grant is mentioned in the preceding issue; whether said plan and certificate was in existence at the date of said grant from Carondelet to Maison Rouge; whether said plan and certificate was the basis of said grant, and of the description and location of the lands embraced therein.

Third. Whether said Carlos Trudeau was guilty of any fraud in relation to said plan and certificate; whether he antedated the same, or caused it to be, or consented to its being, antedated; and is the same ante-dated?

Fourth. Whether said Carlos Trudeau was surveyor general at the time of the date of said plan and certificate.

And afterwards, to wit, on the 17th of April, 1848, the following entry was made of record:

HEIRS of HENRY TURNER
vs. } 32.
THE UNITED STATES.

By consent of counsel for plaintiffs and defendants, this cause was fixed for trial on Thursday, the 27th instant, and the marshal was ordered to summon a jury for the trial on that day of the issues presented as "disputed facts."

And afterwards, to wit, on the 19th of April, 1848, the following order was entered of record:

HEIRS of HENRY TURNER
vs. } 32.
THE UNITED STATES.

Upon motion of Prentiss and Finney, counsel for the plaintiffs, it is ordered that a subpœna duces tecum be issued to Louis Bringier to bring into court the following documents, to be used as evidence in this case, to wit:

The orignal plan and certificate or procès verbal of the Maison Rouge grant, made by Carlos Trudeau, June 14th, 1797; also the copy of the same in Trudeau's handwriting; both documents being in the the hands of the said Bringier, as surveyor general.

And afterwards, to wit, on the 27th of April, 1848, the following entry was made of record:

U. S. district court, February term, 1848.

HEIRS of H. TURNER
vs.
The UNITED STATES.

The issues in this case ordered, on the 10th instant, to be tried before a jury as "disputed facts," came regularly up for trial to-day. The following gentlemen were named and sworn as a jury to try said issues, to wit: L. Sturtevant, J. B. Flotte, Geo. K. Lee, J. P. Harrison, Wm. Gray, C. K. Bullard, E. F. Mioton, W. H. Rice, Wm. Hewson, H. L. Lonsdale, Leon Queyrouze, and J. N. Riculfi.

After hearing evidence, both oral and written, in connection with the original documents submitted to their inspection, the jury retired, with J. P. Harrison, esq., as foreman, and, after consultation, returned into court with their verdict in the terms and words following, to wit:

"1st. We, the jury, find the first issue in the affirmative.

"2d. The jury also find the second issue in the affirmative.

"3d. The jury find the third issue in the negative.

"4th. The jury also find the fourth issue in the affirmative.

"April 27th, 1848.

(Signed) J. P. HARRISON, *Foreman.*"

Evidence.

The documents, &c., offered by the counsel for the plaintiffs, and admitted as evidence before the jury in open court this day, are the following:

1st. The original plan and certificate, or procès verbal, of the Maison Rouge grant, made by Carlos Trudeau, June 14th, 1797, and the copy of the same in Trudeau's handwriting; both produced by Louis Bringier, esq., in obedience to the subpœ. duces tecum hereinafter copied, and restored to him after the return of the jury with their verdict into court, the former marked "No. 15, B," and the latter "No. 30, M."

2d. The deposition of Charles Tessier. Interrogatories and answers accompanying documents marked "A and B."

3d. The depositions of Mazureau and Antoine Cruzat, taken 17th of March, 1848, before N. R. Jennings, commissioner.

4th. A translation from the Spanish of a letter of Don Philip de Bastrop, dated New Orleans, the 10th of June, 1797, which translation is a copy from the original made by Levin Wailes, register land office, and is identified by this endorsement, "A No. 6, in De Bastrop suit."

Subpœna duces tecum to L. Bringier.

District court of the United States, for the district of Louisiana.

The President of the United States, to Louis Bringier, surveyor general, &c.

You are hereby commanded to be and appear, and to bring with you the following documents, to wit:

The original plan and certificate, or procès verbal, of the Maison Rouge grant, made by Carlos Trudeau, June 14th, 1797; also the copy of the same in Trudeau's handwriting, (both documents now in your possession as surveyor general,) before the district court of the United States, for the said district, to be holden at the city of New Orleans on the twenty-seventh day of April, A. D. 1848, then and there to be used as testimony in a certain cause now depending therein, and to be tried between the Heirs of Henry Turner and the United States, at 10 o'clock, A. M.; and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theodore H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this [SEAL.] twenty-first day of April, in the year of our Lord one thousand eight hundred and forty-eight, and in the 72d year of American independence.

N. R. JENNINGS, *Clerk.*
By ROBT. M. LUSHER,
Dy. clk. U. S. dist. court.

Marshal's return on the foregoing.

Received 21st April, 1848, and on the 22d day of April, 1848, served a copy of the within subpœna duces tecum on Mr. Louis Bringier, surveyor general, &c., in person, at his domicil in the city of New Orleans. Returned April 26th, 1848.

JOS. PRADOS, Jr.,
Dy. U. S. Marshal.

Deposition of Charles Tessier.

Commission.

Court of the United States, for the district of Louisiana, to any justice of the peace of the State of Louisiana.

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you, that you call and cause to come before you Charles Tessier, and him duly examine on oath touching and concerning certain matters and things in a cause now depending in the said court, wherein the Heirs of Henry Turner are plaintiffs, and the United States are defendants; and the same examinations, so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the honorable Theodore H. McCaleb, judge of said court, at the city of New Orleans, this 22d day of December, anno [SEAL.] domini 1847, and the 72d year of the independence of the United States of America.

N. R. JENNINGS, *Clerk.*

1776

Interrogatories annexed to the foregoing commission.

HEIRS OF HENRY TURNER
vs.
THE UNITED STATES.

District court of the United States, district of Louisiana.

Interrrogatories to be propounded to Charles Tessiér, a witness residing in the parish of East Baton Rouge, the answers to which are to be read in evidence on the part of the complainants on the trial of the above named suit:

Int. 1st. What is your age, and in what State or country were you born?

Int. 2d. Did you hold any official stations in Louisiana under the Spanish government, or since the change of government; if yea, what offices did you hold, and during what length of time; do you hold any public office now; if so, what?

Int. 3d. Who were the persons, during the administration of Governor Carondelet, upon whom devolved the duty of filling up the body of the grants of land made by said governor in Louisiana?

Int. 4th. Please examine the document marked (A,) hereto annexed, purporting to be a grant of land made by Governor Carondelet to the Marquis de Maison Rouge, and state in whose handwriting the body of the grant is; and what office, if any, did said person fill; who wrote the body of said grant?

Int. 5th. Are you, or are you not, acquainted with the handwriting and signature of Governor Carondelet and Andres Lopez Armesto; have you or not often seen them write and sign their names respectively; were you acquainted with said Armesto; did he fill any office; if so, what office?

Int. 6th. If you are acquainted with the handwriting of said Carondelet and said Armesto, then state whether their signatures to said document, marked (A,) are or are not genuine.

Int. 7th. Had you, or had you not, any personal knowledge of the issuance of said grant to the Marquis de Maison Rouge; if you had, state when it was issued, and also how you acquired your knowledge and information on the subject.

Int. 8th. Was said document, marked (A,) a perfect or an imperfect grant according to the usages and customs of the Spanish government in Louisiana at that time; was, or was it not, under the Spanish government a "titulo en forma;" what was such a "titulo en forma;" was it evidence of a complete and perfect grant of land, or was it necessary for the grantee to obtain still further and other instruments of title, or comply with other formalities, to give him a perfect legal right to the land?

Int. 9th. Were you, or were you not, well acquainted and familiar with the operations, forms, customs, and usages of the land department of the Spanish government of Louisiana under Governor Carondelet;

and how did you acquire your information? Please examine the annexed document, marked (B,) purporting to be a copy, certified by Louis Bringier, surveyor general of Louisiana, of a plan or map, and a certificate made by Carlos Trudeau, late surveyor general of the Spanish province of Louisiana; read said certificate or process verbal, compare it with the grant or "titulo en forma," and state whether or not the original of said plan and certificate is not the plan referred to in said grant as being at the head of it; and had not the person, who drew up the body of said grant before his eyes, at the time the said plan and process verbal of Carlos Trudeau?

Int. 10th. If you state, in answer to any previous interrogatory, that you held an office under the Spanish government, then state whether the duty of filling up grants of land ever devolved upon you; if it did, under what direction did you fill them up; were your directions merely verbal, or did you or did you not in addition consult the surveys and certificates of survey which had been previously made of the land granted?

Int. 11th. Were you well acquainted with the late Carlos Trudeau; if so, when, how long, and up to what time, did he hold the office of surveyor general under the Spanish government; did he hold any public office after the change of government; if so, what; *which* was his character and reputation for competency, intelligence, and probity; has it ever come to your knowledge that, in any judicial or extra-judicial investigation of Spanish land title in Louisiana, any act of said Carlos Trudeau was charged with being suspicious or fraudulent, or with having proceeded from corrupt motives?

Int. 12th. Up to what period of time did Governor Carondelet continue in the office and exercise the functions of governor of Louisiana; who was his successor, and when did he arrive in Louisiana; did or did not Governor Carondelet continue in office, grant land, and exercise the other functions of governor, until the arrival of his successor; and please state particularly whether said Carondelet was or was not acting as governor of Louisiana at the time said grant was made to Maison Rouge, to wit, on the 20th June, 1797; and did or did not said Governor Carondelet make other grants of land subsequent to that period?

Int. 13th. In whose handwriting are the following words at the foot of the grant, marked (A), to wit: Nota. "Que en conformidad de su contrata el Marques de Maison Rouge, ne admitera en establecera en las tierras de su concesion Americano alguno;" and do you recognise the signature "El Baron de Carondelet," at the bottom of said memorandum; is it the genuine signature of Governor Carondelet or not?

Int. 14th. Please read said two affidavits, and state whether any of the facts therein stated are true to your own knowledge, and point out the same, except so far as you have already stated them in your previous answers.

Int. 15th. State what public officers, if any, said Jean Mercier and Pierre Derbigny filled, both under the Spanish territorial and State go-

vernment of Louisiana; and what was their character for intelligence, veracity, and probity?

Int. 16th. Does the document marked (B) purport, upon its face, to be a plan, map, and description, or process verbal, of an actual survey previously made, or is it a mere figurative plan made in that actual survey; state whether it was or was not the custom of the Spanish government to make grants, traced upon such figurative plan, without any actual survey; and state how such figurative plans were made, under whose direction, and whether such figurative plans were or were not as valid and effective to support a grant as plans or maps made upon an actual survey?

Int. 17th. If you know any thing further of advantage to complainants, please state the same as fully as if particularly interrogated thereto.

(Signed) PRENTISS & FINNEY,
Complainants' solicitors.

Cross interrogatories.

HEIRS OF HENRY TURNER
vs.
THE UNITED STATES.

District court of the United States, for the district of Louisiana.

Defendants, by their attorney, file the following cross interrogatories:

First. Have you any interest, direct or indirect, in the event of this suit?

Second. Are you related to any of the parties plaintiff?

Third. If you state the names of the persons upon whom devolved the duty of filling up grants of land, then did those persons hold an official station; what was the name and character of that station?

Fourth. Was the office mentioned in the fourth chief interrogatory a principal or a subordinate office; was the officer appointed by the king or the governor; if the office was subordinate, what department was it attached to; who was the head of the department?

Fifth. Did you ever see Carondelet and Armesto write their names; and, if so, how often?

Sixth. Did you see Carondelet and Armesto, or either of them, sign their names to the document A?

Seventh. Were you educated to the profession of the law under the Spanish government; or did you study and become familiar with the laws of Spain and her colonies, or any part of them; and, if so, what part?

Eighth. Did you see the words referred to in the thirteenth chief interrogatory written in your presence, or how do you know they were written by the person you mention?

Ninth. If you know any thing further to benefit the United States, the defendants herein, please state the same as fully as though and thereunto specially interrogated.

The attorney of the United States specially objects to the eighth and

seventeenth chief interrogatories, considering them as directed to matters of law and not to matters of fact, and he declines altogether to offer cross interrogatories thereunto; and he specially reserves, on behalf of the United States, the right to make all other legal exceptions to the proceedings.

(Signed) THOMAS J. DURANT,
Attorney of the United States, for the district of Louisiana.

Clerk's office, district court of the United States.

I hereby certify, that the foregoing are true copies from the original on file.

In testimony whereof I have hereunto signed my name and
[SEAL.] affixed the seal of said court, at New Orleans, this 20th of December, 1847.

N. R. JENNINGS, *Clerk.*

Answer of Charles Tessier to the foregoing interrogatories.

STATE OF LOUISIANA,
Parish of East Baton Rouge:

Be it remembered, that on this fourth day of January, eighteen hundred and forty-eight, by virtue of the annexed commission issued from the honorable the district court of the United States for the district of Louisiana, at New Orleans, in said district, on the 22d day of December, A. D. 1847, directed to "any justice of the peace in the State of Louisiana," to take the deposition of Charles Tessier, a witness for the complainants in a certain cause now pending in said court, wherein the the Heirs of Henry Turner are complainants, and the United States are defendants, on the annexed and foregoing interrogatories and cross interrogatories, I caused said Charles Tessier, a person of sound mind and lawful age, to come before me, James Cooper, a justice of the peace, duly commissioned and qualified, for the parish of East Baton Rouge and State aforesaid, at the town of Baton Rouge in the said parish and State, who, being by me first duly cautioned and sworn true answers to make to said interrogatories and cross interrogatories, did depose and say as follows:

To 1st interrogatory witness answers: That he is now upwards of seventy years of age.

Ans'r. To 2d interrogatory witness answers: That he was principal clerk in the office of the Spanish government of Louisiana for making grants of land; and since the change of government he held the office of parish judge for the parish of East Baton Rouge for upwards of thirty years; and, since the adoption of the present constitution of this State, holds the office of notary public for the said parish.

To 3d interrogatory witness answers: That this deponent, John Mercier, and Louis Leautand, were the persons upon whom devolved the duty of filling up the body of grants of land made by Governor Carondelet during his administration in Louisiana.

To 4th interrogatory witness answers: That the body of the grant

marked A, shown him, purporting to be a grant of land from Governor Carondelet to the Marquis de Maison Rouge, is in the handwriting of this deponent, who was the principal clerk in the office of the Spanish government of Louisiana.

To 5th interrogatory witness answers: That he is familiar with the handwriting and signatures of Governor Carondelet and Don Andres Lopez Armesto; that he has often seen them write and sign their names. That he was acquainted with Armesto, who filled the office of secretary of the Spanish government of Louisiana.

To 6th interrogatory witness answers: That the signatures of Governor Carondelet and Secretary Armesto to the annexed document, marked A, are both genuine.

To 7th interrogatory witness answers: That he has a personal knowledge of the issuing of the said grant to the Marquis de Maison Rouge; that he acquired his information from having filled up the said grant himself on the day of the date thereof.

To 8th interrogatory witness answers: That the document marked A is a perfect grant, according to the usages and customs of the Spanish government of Louisiana at that time, and, as such, was denominated a "titulo en forma," which was evidence of a complete grant of land, and required no further evidence or instrument to perfect it.

To 9th interrogatory witness answers: That he was well acquainted with the operations, forms, customs, and usages of the land department of the Spanish government of Louisiana under Governor Carondelet. That he acquired his information from his position in the office, as before stated. That the annexed document, marked B, now shown him, purporting to be a copy, certified by Louis Bringier, surveyor general of Louisiana, of a plan, or map and certificate, made by Carlos Trudeau, late surveyor general of the Spanish province of Louisiana, is a copy of the original plan and certificate referred to in said grant, marked A. That owing to the length of time (over fifty years) which has elapsed since the said grant was filled up, deponent cannot now recollect whether the plan and process verbal of Carlos Trudeau was before his eyes or not; but he acted under the orders of the governor and secretary in making out said grant.

To 10th interrogatory witness answers: That, as he has already stated, he did hold an office under the Spanish government, and that the duty of filling up grants devolved upon him; and that those grants were filled up by him, under the direction of the governor and secretary; that said governor and secretary gave him their instructions, sometimes in writing and sometimes by verbal dictation. That, in addition, it was customary to consult the surveys previously made, and certificates of the surveys of the lands to be granted, in order to ascertain the quantity and location of the same.

To 11th interrogatory witness answers: That he was acquainted with Carlos Trudeau, surveyor general under the Spanish government; that his acquaintance with said Trudeau commenced about the year 1790, and continued up to the time of the change of government, during

which time he, the said Trudeau, filled the office of surveyor general under the Spanish government in Louisiana; that he does not know whether he held any public office after the change of government or not; that his character for competency, intelligence, and probity was without reproach, and in no investigation, judicial or extra-judicial, of Spanish titles to land in Louisiana was any act of said Trudeau ever charged with being fraudulent or proceeding from corrupt motives, to this deponent's knowledge.

To 12th interrogatory witness answers: That Governor Carondelet continued in office and exercised the functions of governor of Louisiana up till the month of August, 1797, when his successor, Gayoso, arrived and took charge of the government; that Governor Carondelet was acting as governor of Louisiana at the time said grant was made to Maison Rouge, to wit, on the 20th of June, A. D. 1797, and deponent believes that other grants of land were made by him subsequent to that date, but does not recollect to whom they were made.

To 13th interrogatory witness answers: That the words at the foot of the grant marked A, and alluded to in this interrogatory, are in the handwriting of Don Andres Armesto, and the signature to the same is the genuine signature of Governor Carondelet.

To 14th interrogatory witness answers: That the affidavits referred to in this interrogatory not being exhibited to him, he cannot give any answer.

To 15th interrogatory witness answers: That John Mercier was a clerk in the office of the Spanish government in Louisiana, and afterwards filled the office of recorder of mortgages for the parish of Orleans; that Pierre Derbigny was interpreter for the Spanish government in Louisiana, and afterwards governor of the State of Louisiana under the American Government; that they were both men of intelligence, veracity, and probity.

To 16th interrogatory witness answers: That the annexed document, marked B, purports on its face to be a copy of a plan, map, and description or process verbal of an actual survey previously made, and the actual survey always preceded the grant; that this deponent considers a figurative plan to be but the representation of an actual survey.

To 17th interrogatory witness answers: That he knows nothing farther of advantage to complainants in this suit.

Answers to cross interrogatories.

To 1st cross interrogatory witness answers: That he has no interest, either direct or indirect, in this suit.

To 2d cross interrogatory witness answers: That he is not related to either of the parties.

To 3d cross interrogatory witness answers: That the names of the persons who filled up grants have already been stated in his answer to the 4th direct interrogatory; that they were clerks in the office of the Spanish government of Louisiana, and held their appointments under the Spanish government.

To 4th cross interrogatory witness answers: That the office mentioned in the fourth direct interrogatory was a subordinate office, and was held under an order from the court of Spain to the best of deponent's recollection, and the said office was attached to no particular department.

To 5th cross interrogatory witness answers: That this interrogatory is answered in his answer to the fifth interrogatory in chief. He cannot say how often he saw them write their names.

To 6th cross interrogatory witness answers: That he does not recollect of having seen Carondelet and Armesto sign their names to the document A.

To 7th cross interrogatory witness answers: That he never made the laws of Spain or any of her colonies his particular study.

To 8th cross interrogatory witness answers: That he did not see the words referred to in the 13th direct interrogatory written in his presence, but he knows that they were written by the persons mentioned from his familiarity with their handwriting.

To 9th cross interrogatory witness answers: That he knows nothing further that would benefit the United States, the defendants in this case.

CH. TESSIER.

Sworn to and subscribed before me, this 4th day of January, A. D. 1848.

JAMES COOPER, *J. P.*

I, James Cooper, a justice of the peace in and for the parish and State aforesaid, do hereby certify, that, on the day and year mentioned in the caption of the foregoing deposition, I was attended by the witness, Charles Tessier, at Baton Rouge in said parish; and said witness having been by me first solemnly sworn and carefully examined on the annexed interrogatories and cross interrogatories, I reduced his answers to writing in his presence; and said answers having been by me read to said witness, and being by him well understood, he subscribed the same in my presence as his deposition in the cause styled in the caption thereof. And I further hereby certify, that the questions propounded to said witness were the interrogatories and cross interrogatories annexed to and accompanying the commission; that his answers thereto constitute the foregoing deposition; that said deposition has been altered or changed in nothing since the same was subscribed by the witness, nor has the same left my possession until the time of sealing and delivery of the same. And I further hereby certify, that I am in no manner or way interested in the result of the suit in which the foregoing deposition is to be used.

All which I hereby certify under my hand and private seal, this fourth day of January, 1848.

JAMES COOPER, *J. P.* [SEAL.]

Document A, annexed to the foregoing deposition.

El Baron de Carondelet, caballero de la religion de San Juan, mariscal de campo de los reales exercitos, gobernador general, vice-patrono de las provincias de la Luisiana, Florida occidental, é inspector de sus tropas, &c.

Por quanto, el marqués de Maison Rouge se halla próximo á completar el establecimiento del Ouachita, á que por real órden de 14 de Julio de 1895 se halla autorizado para las treinta familias, por tanto, deseando remover en la sucesivo toda contestacion con motivo de otras familias ó nuevos colonos que vinieren á establecerse, destinamos y apropiamos determinadamte. para el establecimto. del citado marqués de Maison Rouge, usando de las facultades que el rey nos tiene concedido, las treinta leguas planas de superficie que estan en el plano figurativo que va por cabeza de este título, con los límites y linderos que señala, dispuesto con mi aprobacion por el agrimensor general Dn. Carlos Laveau Trudeau, baxo los términos y condiciones que estipuló y contrató dho. señor marqués; y, para que en todo tiempo conste, damos el presente, firmado de nuestra mano, sellado con el sello de nuestras armas, y refrendad por el infrascrito, comisario honorario de guerra y secretario por S. M. de esta comandancia general, en la Nueva Orleans, á veinte de Junio de mil setecientos noventa y siete.

[SEAL.] EL BARON CARONDELET.

Nota, que en conformidad de su contrata, el marqués de Maison Rouge ne admitirá ni establecerá en las tierras de su concesion Americano alguno.

EL BARON DE CARONDELET,
ANDRES LOPEZ ARMESTO.

I do hereby certify, that the within document hath been recorded in register E, book N six, pages 104 and 105, of the land office for the eastern district of the State of Louisiana, at New Orleans, this 30th April, 1819.

SAM'L H. HARPER,
Register L. O. E. D. L.

Attest: CHAS. APPE,
Clk. and transr. off. east. dist. La. State.

The foregoing instrument is recorded in my office, in liber E, folio 248.

Given under my hand and seal of office at Ouachita, 25th February, 1820.

OLIVER J. MORGAN, *parish judge.*

Traduction française.

En considération de ce que le marquis de Maison Rouge se trouve prêt à compléter, l'établissement du Ouachita, conformément au royal ordre qu'il en a eu le 14 Juillet 1795 pour trente familles, et désirant

prévenir toute contestation au sujet des nouveaux colons qui viendront s'y établir, nous destinons et approprions déterminement pour l'établissement du dit marquis de Maison Rouge, en ayant des facultés que le roi nous a concédé, les trente lieues en superficie qui sont constatées dans le plan figuratif qui est à la tête de ce titre, avec les bornes et limites qui y sont désignées, avec mon approbation, par l'arpenteur général, Don Charles de Laveau Trudeau, sous les termes et conditions que le dit sr. marquis a contracté et stipulé; et, pour qu'en tout temps il soit valide, nous lui donnons le présent, signé de notre main, scellé avec le sceau de nos armes, paraphé par le soussigné, commissaire honoraire des guerres et secrétaire pour Sa Majesté Catholique de cette commandance générale. En la Nouvelle Orléans, le vingt Juin mil sept cent quatre-vingt-dix-sept.

(Signé) LE BARON DE CARONDELET, et
DON ANDRE LOPEZ ARMESTO.

I, Christoval de Armas, notary public, in and for the city of New Orleans, State of Louisiana, United States of America, do hereby certify, that the signatures affixed to the present instrument are, to the best of my knowledge, those of the late governor general of Louisiana, Baron de Carondelet, and of Andres Lopez Armesto, then secretary of the government. That their handwriting is to me well known, having resided in this country upwards of forty years.

In witness whereof I have hereunto set my hand and affixed the seal of my office, at New Orleans, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fourth year of American independence.

[SEAL.]

CHRISTOVAL DE ARMAS,
Notary Public.

By James Villeré, governor of the State of Louisiana: These are to certify, that Christoval de Armas, whose name is subscribed to the instrument of writing hereunto annexed, was at the time of signing the same, and he is now, at the present time, notary public in and for the city of New Orleans, duly qualified and commissioned.

Given under my hand and the seal of the State, this twenty-sixth day of April, one thousand eight hundred and twenty, and in the independence of the United States the forty-fourth.

[SEAL.]

JAMES VILLERE.

Translation from the Spanish of document marked A.

The Baron de Carondelet, knight of the religion of St. John, lieutenant general of the royal armies, governor general, vice patron of the province of Louisiana, occidental Florida, and inspector of the troops, &c.

Whereas the Marquis of Maison Rouge is ready to complete the establishment on the Ouachita, agreesbly to the royal order received by him on the 14th July, 1795, for thirty families, and wishing to avoid

Document A, annexed to the foregoing deposition.

El Baron de Carondelet, caballero de la religion de San Juan, mariscal de campo de los reales exercitos, gobernador general, vice-patrono de las provincias de la Luisiana, Florida occidental, é inspector de sus tropas, &c.

Por quanto, el marqués de Maison Rouge se halla próximo à completar el establecimiento del Ouachita, á que por real órden de 14 de Julio de 1895 se halla autorizado para las treinta familias, por tanto, deseando remover en la sucesivo toda contestacion con motivo de otras familias ó nuevos colonos que vinieren á establecerse, destinamos y apropiamos determinadamte. para el establecimto. del citado marqués de Maison Rouge, usando de las facultades que el rey nos tiene concedido, las treinta leguas planas de superficie que estan en el plano figurativo que va por cabeza de este título, con los límites y linderos que señala, dispuesto con mi aprobacion por el agrimensor general Dn. Carlos Laveau Trudeau, baxo los términos y condiciones que estipuló y contrató dho. señor marqués; y, para que en todo tiempo conste, damos el presente, firmado de nuestra mano, sellado con el sello de nuestras armas, y refrendad por el infrascrito, comisario honorario de guerra y secretario por S. M. de esta comandancia general, en la Nueva Orleans, á veinte de Junio de mil setecientos noventa y siete.

[SEAL.] EL BARON CARONDELET.

Nota, que en conformidad de su contrata, el marqués de Maison Rouge ne admitirá ni establecerá en las tierras de su concesion Americano alguno.

EL BARON DE CARONDELET,
ANDRES LOPEZ ARMESTO.

I do hereby certify, that the within document hath been recorded in register E, book N six, pages 104 and 105, of the land office for the eastern district of the State of Louisiana, at New Orleans, this 30th April, 1819.

SAM'L H. HARPER,
Register L. O. E. D. L.

Attest: CHAS. APPE,
Clk. and transr. off. east. dist. La. State.

The foregoing instrument is recorded in my office, in liber E, folio 248.

Given under my hand and seal of office at Ouachita, 25th February, 1820.

OLIVER J. MORGAN, *parish judge.*

Traduction française.

En considération de ce que le marquis de Maison Rouge se trouve prêt à compléter, l'établissement du Ouachita, conformément au royal ordre qu'il en a eu le 14 Juillet 1795 pour trente familles, et désirant

prévenir toute contestation au sujet des nouveaux colons qui viendront s'y établir, nous destinons et approprions déterminement pour l'établissement du dit marquis de Maison Rouge, en ayant des facultés que le roi nous a concédé, les trente lieues en superficie qui sont constatées dans le plan figuratif qui est à la tête de ce titre, avec les bornes et limites qui y sont désignées, avec mon approbation, par l'arpenteur général, Don Charles de Laveau Trudeau, sous les termes et conditions que le dit sr. marquis a contracté et stipulé; et, pour qu'en tout temps il soit valide, nous lui donnons le présent, signé de notre main, scellé avec le sceau de nos armes, paraphé par le soussigné, commissaire honoraire des guerres et secrétaire pour Sa Majesté Catholique de cette commandance générale. En la Nouvelle Orléans, le vingt Juin mil sept cent quatre-vingt-dix-sept.

(Signé) LE BARON DE CARONDELET, et
DON ANDRE LOPEZ ARMESTO.

I, Christoval de Armas, notary public, in and for the city of New Orleans, State of Louisiana, United States of America, do hereby certify, that the signatures affixed to the present instrument are, to the best of my knowledge, those of the late governor general of Louisiana, Baron de Carondelet, and of Andres Lopez Armesto, then secretary of the government. That their handwriting is to me well known, having resided in this country upwards of forty years.

In witness whereof I have hereunto set my hand and affixed the seal of my office, at New Orleans, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fourth year of American independence.

[SEAL.]

CHRISTOVAL DE ARMAS,
Notary Public.

By James Villeré, governor of the State of Louisiana: These are to certify, that Christoval de Armas, whose name is subscribed to the instrument of writing hereunto annexed, was at the time of signing the same, and he is now, at the present time, notary public in and for the city of New Orleans, duly qualified and commissioned.

Given under my hand and the seal of the State, this twenty-sixth day of April, one thousand eight hundred and twenty, and in the independence of the United States the forty-fourth.

[SEAL.]

JAMES VILLERE.

Translation from the Spanish of document marked A.

The Baron de Carondelet, knight of the religion of St. John, lieutenant general of the royal armies, governor general, vice patron of the province of Louisiana, occidental Florida, and inspector of the troops, &c.

Whereas the Marquis of Maison Rouge is ready to complete the establishment on the Ouachita, agreeably to the royal order received by him on the 14th July, 1795, for thirty families, and wishing to avoid

all sort of difficulties, in relation to these new farmers who may come to establish themselves upon said land, we, therefore, design and appropriate, definitively, according to the rights granted to us by the King, the thirty leagues of land in superficie, which are proved on the figurative plan which is to be found at the head of this title, with the boundaries and limits herein designated, with my approval by the surveyor general, Don Charles de Laveau Trudeau, under the terms and conditions that the said Marquis de Maison Rouge has contracted and stipulated; and that the same may be at all times good and valid, we give him the present title.

Signed with our hand, and sealed with the seal of our arms, paraphed by the undersigned, honorary commissary of war and secretary of his Catholic Majesty of this general commandance, at [SEAL.] New Orleans, the twentieth day of June, seventeen hundred and ninety-seven.

Signed, EL BARON DE CARONDELET,
Signed, DON ANDRE LOPEZ ARMESTO.

NOTA.—That, in conformity with his contract, the Marquis de Maison Rouge, will not admit, nor establish on his lands or concessions any American.

Signed, EL BARON DE CARONDELET.

I do hereby certify, that the within document has been recorded in register E, book N. 6, pages 104 and 105, of the land office for the eastern district of the State of Louisiana, at New Orleans, this 30th April, 1819.

Signed, SAMUEL H. HARPER,
L. O. E. D. L.

The foregoing instrument is recorded in my office, in liber E, folio 248.

Given under my hand and seal of office, at Ouachita, 25th February, 1820.

Signed, OLIVER J. MORGAN,
Parish Judge.

I, Christoval de Armas, notary public in and for the city of New Orleans, State of Louisiana, United States of America, do hereby certify, that the signatures affixed to the present instrument are, to the best of my knowledge, those of the late governor general of Louisiana, Baron Carondelet, and of Andres Lopez Armesto, then secretary of the government; that their handwriting is to me well known, having resided in this country upwards of forty years.

In witness whereof I have hereunto set my hand and affixed the seal of my office, at New Orleans, on the twenty-sixth day of [SEAL.] April, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fourth year of American independence.

Signed, CHRISTOVAL DE ARMAS,
Notary Public.

By James Villeré, governor of the State of Louisiana: These are to certify, that Christoval de Armas, whose name is subscribed to the instrument of writing hereunto annexed, was at the time of signing the same, and he is now, at this present time, notary public in and for the city of New Orleans, duly qualified and commissioned.

Given under my hand and the seal of the State, this twenty-sixth day of April, one thousand eight hundred and twenty, and in the independence of the United States the forty-fourth.

[SEAL.]

Signed, JAMES VILLERE.

I certify the foregoing to be a true and correct translation from the Spanish document, marked A.

LS. DUVIGNEAUD, *U. S. Interpreter*.

Document marked "B."

[For map see original, page 53.]

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &c.

Certifico, en favor del señor marqués de Maison Rouge, que los terrenos figurados en el plano que precede, de los cotos de vermeillon, pueden contener treinta leguas planas, (á saber,) el primero paño, marcado No. 1, sobre el márgen derecho del rio Ouachita, á tomar á cinco arpanes mas abajo de la boca del bayu *de la Cheniera au Tondre*, hasta el bayu Calumet, con el fondo correspondiente, á fin de completar ciento y quarenta mil arpanes planos; el segundo paño, marcado No 2, sobre el márgen izquierdo del mismo rio Ouachita, á tomar á dos leguas mas abaxo del fuerto Miro, y en la punta llamada l'Ainé, hasta una legua mas abaxo de la pradería de Lee, con el fondo correspondiente, para completar sesenta mil arpanes planos; el tercero paño, marcado No. 3, á tomar en frente del bayu la Loutre, y desde allí, sobre una linea tirada del sur sesenta y cinco grados este, hasta el bayu de Siar, aquella linea el bayu de Siar, el de Bartelemy, y el rio Ouachita debe limitar dicho paño No. 3; y el paño No. 4, sobre el márgen derecho del rio Ouachita, á tomar en frente del entrada del bayu Bartelemy, baxando el rio hasta el bayu la Loutre; cuyos paños, No. 3 y 4, con el fondo correspondiente, deben completar ocho mil tres cientos quarenta y quatro arpanes planos; agregados con los paños No. 1 y 2, forme una superficie total de dos cientos y ocho mil tres cientos quarenta y quatro arpanes planos, igual á las trienta leguas anteds., á razon de dos mil quinientas toesas por lados á cada legua, lo que es la medida agraria en esta provincia: bien entendido, que los terrrenos incluydos en los anteds. terrenos, sea con títulos en forma ó en virtud de primero decreto de concesion, no deben entrar en el complemento de los anteds. treinta leguas: bien, al contrario, promete el señor marqués de Maison

Rouge de no perjudicar á ninguno de los ocupantes, prometiendo de mantener y apoyarlos en todos sus derechos; pues, si acaso las anteds. trienta leguas padecen alguna diminucion respecto á las tierras occupadas, no avia ningun inconveniente para que dho. señor marqués pudiese completarse en otro parage qualquiera, donde se hallan tierras vacantes, y de la conveniencia y á satisfaccion del interesado. Y, para que conste, doy la presente, con el plano figurativo que antecede, formados de órden del señor gobernador genal. el señor Baron de Carondelet. De todo lo que doy fé, á quatorze Junio de mil setecientos noventa y siete años.

(Signed) CARLOS TRUDEAU, *Agr.*

Anotado en el libro A, No. 1, veyo 38, y copia sacado.

I certify the foregoing plan and procès verbal to be a true and exact copy of the original, filed in bundle letter B, No. 15, and deposited amongst the records in the surveyor general's office under my charge.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 23d day of April, in the [SEAL.] 1847th year of our Lord, and the seventieth of the independence of the United States of America.

LS. BRINGIER, *Surveyor General.*

[For map see original, page 56,]

Translation from the Spanish of document marked B.

Don Carlos Trudeau, the king's and special surveyor for the province of Louisiana, &c.

Do hereby certify, in favor of Mr. the Marquis of Maison Rouge, that the lands which figure on the above plan, marked with vermillion, may contain thirty leagues in superficies, (or about.) The first lot, marked No. 1, is situated on the right side of Ouachita river, beginning at five arpents lower than the mouth of the bayou de la Cheniere de Tondre, up to the bayou Calumet, (or Pipe bayou,) with the ordinary depth, in order to complete one hundred and forty thousand arpents of superficies. The second lot, marked No. 2, situated on the left side of the same Ouachita river, beginning two leagues lower from Fort Miro and from the point named l'Ainé, till one league further down of the small prairie named Prairie de Lee, with the ordinary depth, to complete sixty thousand arpents in superficies. The third lot, marked No. 3, taking in front of bayou la Loutre, (or Otter bayou,) and from there tracing a line from the south, sixty-five degrees east, till bayou de Siar; the same line, running from bayou Siar to bayou Barthelemy and to Ouachita, make the limits of said lot No. 3, and the lot No. 4, from the right bank of Ouachita river, taking in front of the mouth of bayou Barthelemy, down the said river till bayou La Loutre, (or Otter bayou,)

1672.

which lots Nos. 3 and 4, with the ordinary depth, make eight thousand three hundred and forty-four arpents in superficie; and the same, with lots 1 and 2, form a total in superficie of two hundred and eight thousand three hundred and forty-four arpents, corresponding to the thirty leagues above mentioned, at the rate of two thousand five hundred fathoms for the side of each league, which is the measure adopted in this province. It is well understood that the lands included in the said lots, which are owned with good titles, or by a decree of former concession, ought not to be included in the said thirty leagues; to the contrary, the Marquis de Maison Rouge promise not to disturb any one who may occupy said lands, and to maintain them in their rights and privileges; and if in case the said thirty leagues of land receive any diminution on account of the portion of the same so occupied, the Marquis will have a right to complete the said thirty leagues of land so conceded in vacant lands situated in some other parts of the country, at his will and satisfaction.

In testimony whereof I have delivered the present certificate, with the figurative plan above, by order of his excellency the Governor Baron de Carondelet, this fourteenth June, one thousand seven hundred and ninety-seven.

(Signed) CARLOS TRUDEAU, *Surveyor.*

Recorded in liber A, No. 1, verso 38, and copy delivered.

I certify the foregoing plan and procès verbal to be a true and exact copy of the original filed in bundle letter B, No. 15, and deposited amongst the records in the surveyor general's office under my charge.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 23d day of April, in the [SEAL.] 1847th year of our Lord, and the seventieth of the independence of the United States of America.

(Signed) LS. BRINGIER, *Surv'r gen'l.*

I certify the foregoing to be a true and correct translation from the Spanish of a plan and certificate of survey annexed to it, marked document B, filed in the case of Heirs of Turner vs. U. S.

LS. DUVIGNEAUD, *U. S. translator.*

Depositions of E. Mazureau and A. Cruzat.

HEIRS OF HENRY TURNER
vs.
THE UNITED STATES.

United States district court, commissioner's office, March 17, 1848.

Be it remembered, that on this the seventeenth day of March, A. D. 1848, according to notices duly issued, the plaintiffs in the above entitled cause, represented by S. S. Prentiss, esq., and the defendants by their attorney, Thos. J. Durant, the district attorney of the U. States, appeared before me, N. R. Jennings, commissioner duly appointed to take testimony in land causes.

And in obedience to notices duly issued, there appeared on the part of the plaintiffs the witnesses, E. Mazureau and Antoine Cruzat, persons of sound mind and lawful age, who were by me first sworn to testify the whole truth, in answer to all interrogatories that should be propounded to them.

I then proceeded to take their depositions as follows, to be used on the trial of the cause as above entitled:

E. Mazureau, on behalf of plaintiffs, deposes, that on the 15 of March, 1777, he was born, and *and* that he is consequently 71 years of age. He arrived in Louisiana in the year 1804, and was admitted to the bar to practise law in the fall of that year; that he has continued ever since to practise law in the country. Witness was well acquainted with the forms and usages of the Spanish government in granting lands before its transfer to the American Government. Witness is also well acquainted with the Spanish language and laws.

Witness having examined the original document marked A, purporting to be a grant of 30 superficial leagues of land made by the Baron de Carondelet to the Marquis de Maison Rouge, and also the certified copy of a plat and procès verbal, marked B, purporting to be made by Carlos Trudeau, surveyor general of the province of Louisiana, dated the 14th of June, 1797, which two documents are annexed to the deposition of Charles Tessier, already on file in this cause, do altogether form an absolute and complete grant of the lands embraced therein, according to the laws and usages of the Spanish government, and the same was absolutely complete and binding upon the King of Spain. The said documents constitute an absolute and complete title, and required no further action on the part of the government and its officers, nor of the grantee.

Witness recognises in the original document marked A, already referred to, the signature of Baron Carondelet, and of his secretary, Armesto, to be genuine, and in their respective handwriting.

Witness was never acquainted personally with the Baron de Carondelet, and therefore could never see him sign, but he is very well acquainted with his handwriting and signature, having seen in the course of his professional practice hundreds of the signatures of the Baron de Carondelet in the public records of that period.

Witness has been personally acquainted with Don Andreas Armesto; has seen him sign and write on several occasions; has seen also hundreds of his signatures on public records; witness has no doubt that both the signatures of Carondelet and Armesto, on document A, are genuine.

Witness was well and intimately acquainted with Don Carlos Laveau Trudeau, the former surveyor general of the province of Louisiana from the time of his, witness', arrival in the country, until the period of Trudeau's death, which occurred some time after the war.

Witness states, that from his own knowledge, as well as from the report of others before witness knew him, Trudeau always bore the character of a most honest public officer; and he would also add, that he was a

most excellent man; he lived in a modest, retired way, and died poor, and greatly respected.

The district attorney on the part of the United States has no cross interrogatories to propound.

MAZUREAU.

Antoine Cruzat, on behalf of plaintiffs, being sworn, deposes that he resides in the State of Louisiana; that he was born in Louisiana, and is now seventy-three years of age; states that he is acquainted with the handwriting of Baron Carondelet, and having examined the original document marked A, already referred, purporting to be an original grant from Carondelet to the Marquis de Maison Rouge, of thirty superficial leagues, states that the body of the grant is in the handwriting of Charles Tessier, who was at the time of its date a clerk in the office of the governor, and the signature is the genuine handwriting of the Baron de Carondelet; he also recognises the writing marked nota under the seal of said grant as the handwriting of Andres Lopez Armesto, and the signature thereto is the genuine handwriting of the Baron de Carondelet; he also recognises the signatures of Andres Lopez Armesto, at the bottom of the grant, as genuine; Armesto at that time was secretary of the government, and as such his signature was always attached to grants of land by the government.

Witness was well acquainted with the forms and usages of the Spanish government in granting lands in Louisiana at that period.

Deponent states that the grant marked A is an absolute and complete grant, and vested the title in the Marquis de Maison Rouge, and no other formality was required. It was obligatory upon the government, and the grantee was entitled to immediate possession.

Deponent was personally acquainted with Laveau Trudeau, and was intimate with him. The witness was himself an assistant in the office of Governor Carondelet, where Trudeau often came on official business. Trudeau was surveyor general under the Spanish government in the year 1797.

Witness having examined the procès verbal and certificate marked B, and attached to the deposition of Charles Tessier, filed in this cause, states that said plan and certificate are in due form of law, and constituted sufficient ground and authority for the original grant above spoken of; said certificate does not purport to be a certificate of a survey made by Carlos Trudeau in person, nor does it imply that he was ever on the land embraced therein; witness states that Trudeau was a man of the highest character and probity, and so universally esteemed; he was wholly incapable of forgery, or any improper act in the discharge of his official duties.

A. CRUZAT.

The district attorney has no cross examination.

I, N. R. Jennings, commissioner, do certify, that the foregoing are the true depositions of E. Mazureau and Antoine Cruzat, in answer to the interrogatories propounded to them; and I further certify, that after

the same had been carefully read over to them by me, they were subscribed to in my presence.

In witness whereof I hereunto set my hand and seal, this 17th day of March, A. D. 1848.

N. R. JENNINGS,
U. States commissioner.

Document marked A No. 6, in the case of the Mayor, Aldermen, and Inhabitants of Philadelphia and New Orleans vs. *the United States.*

A su excelencia el señor Baron de Carondelet, gobernador general de la provincia de la Luisiana, &a.

Don Felipe de Bastrop tiene la honora de observar á V. S. que los doze leguas en quadro, que V. S. le ha otorgado por su contrato, se hallan en parte aneyados y ocupados por antiguos habitantes; en cuya virtud, á V. S. suplico se sirva tener á bien concederle la misma cantidad de tierra, á tomar sobre el rio Ouachita y el bayu de Syard y Barthelemy, en donde le será mas conveniente, sin perjudicar á las tierras que V. S. ha concedido al sr. de Maison Rouge en la pradería Chatellerian; gracia que espera recibir á la recta justicia que V. S. administra. Nueva Orleans, 10 Junio de 1797.

P. DE BASTROP.

NUEVA ORLEANS, 10 *de Junio de* 1797.

Como lo pide, despachase por secretaría en la forma que solicita.

EL BARON DE CARONDELET.

REGISTER'S OFFICE,
OPELOUSAS, *2d January*, 1821.

I certify, that the foregoing is a true copy of an original document deposited in my hands by Mr. John Nancarrow, which document has been reported by me as additional evidence in the claim of the representatives of Abraham Morehouse,* pursuant to the 4th and 5th sections of an act of Congress, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the 11th May, 1820; in which report I have given it as my opinion that the said document is genuine, and entitled to full credit.

Given under my hand the date above written.

LEVIN WAILES,
Reg'r of the land office.

*Should be Baron de Bastrop.

Translation from Spanish of document A No. 6.

To his excellency the Señor Baron de Carondelet, governor general of the province of Louisiana, &c.:

Don Philip de Bastrop has the honor to observe to your lordship, that the twelve leagues square, which your lordship has granted to him by his contract, are found in part overflowed and occupied by ancient in-

habitants; in consequence of which he prays that your lordship will be pleased to grant him the same quantity of land to be taken upon the river Ouachita and the Bayou de Syard and Barthelemy, where it will be most convenient to him, without prejudice to the lands which your lordship has granted to the Señor de Maison Rouge, in the prairie Chatellerain. A favor which he hopes to receive from the upright justice which your lordship administers.

New Orleans, the 10th of June, 1797.

P. DE BASTROP.

New Orleans, 10th of June, 1847. [1797.]—As he requests, let it be despatched by the secretary department, in the form which he solicits.

THE BARON DE CARONDELET.

And on the same day, to wit, the 27th of April, 1848, the following agreements were by the parties litigant filed of record:

1. Report board commissioners on Bouligny application for confirmation of Maison Rouge claim.
2. Copy of Maison Rouge's will.
3. B. Winchester's deposition, to prove Freeman's appointment of Dinsmore, and his order to him to survey the Maison Rouge grant.
4. Certificate of Dinsmore's survey.
5. Rindon to Maison Rouge, letter, 12 August, 1795.
6. Letter of Morales, 1796.
7. Armesto to Breard, April, 1795.
8. Certified copy of Dinsmore's survey of tract No. 3.
9. Statement of H. A. Bullard.
10. Reduced copy of Dinsmore's survey of tracts No. 1 and 2.
11. Passport of Maison Rouge.

It is agreed that the above documents, either in original or copy from the clerk's office, in the matter of [the] United States vs. D. W. Coxe, in the circuit court U. S., for district [of] Louisiana, may be read in evidence on trial of this cause; reserving all exception to the admissibility of the same, (except on the score of authenticity,) and not admitting them to prove any thing as to the validity of the original grant to Maison Rouge, as claimed by Turner's Heirs, or any thing but the substantial facts contained in them, and to which they specially relate.

THOMAS J. DURANT,
Attorney U. S.
PRENTISS & FINNEY,
For Turner's heirs.

29 March, 1848.

TURNER'S HEIRS
vs.
UNITED STATES.

1. Maison Rouge's will—take copy in Coxe's case.
2. Act before Pedesclaux, Bouligny to Clark, June 1, 1804.
3. D. Clark to D. Bouligny, before N. Brontin, June 12, 1804.
4. D. Bouligny to L. Bouligny, before Brontin, Dec. 31, 1807.

5. L. Bouligny to Clark, before Pedesclaux, January 11, 1813.

6. Chew & Relf, ex'r to Henry Turner, 25 January, 1814, before Lynd.

7. Notarial sale, Chew & Relf to D. W. Coxe, dated March 15, 1820. Pollock.

8. Agreement made under private signature of Coxe and Turner for partition of lots No. 1 and 2 of the Maison Rouge grant, April 17, 1819.

9. Partition made between Coxe and Turner, dated March 27, 1820.

10. Sale from Turner to Coxe of Nos. 17, 20, and 31, in the Maison Rouge grant, 19 April, 1820.

11. Sale from Coxe to Turner, 10 and 11, same date.

12. The heirship of plaintiffs, as heirs of Henry Turner, is admitted.

It is agreed that the documents, either in original or authentic copy, shall be read in evidence on the trial of this cause; reserving all exception to the admissibility of the same, (except on the score of authenticity,) and not admitting them to prove any thing as to the validity of the original grant to Maison Rouge, as claimed by Turner's heirs, or any thing but the substantial facts contained in them, and to which they specifically relate.

New Orleans, 29 March, 1848.

THOMAS J. DURANT,
Att'y U. S. for La.
PRENTISS & FINNEY,
For complainants.

Also:

1. Copy of Carondelet letter to Filhiol, 2 April, 1795, marked No. 9, A 2.

2. Carondelet to Maison Rouge, 5 March, 1797, marked A 3.

3. Carondelet to Filhiol, 2 June, 1796, marked 10, A 1.

4. Petition of Bastrop to Carondelet, 10 June, 1797, marked A 6.

5. Letter of Filhiol to Maison Rouge, 12 September, 1796, marked A 5.

The above document, now on file in the matter of The Cities of N. Orleans and Philadelphia vs. The United States, in this court, and therein offered in evidence, may be used in the case of Turner's Heirs vs. The United States under the reservations above described.

29 March, 1848.

THOMAS J. DURANT,
Attorney U. S.
PRENTISS & FINNEY,
Plaintiffs' Attorneys.

And afterwards, to wit, on the 17th day of May, 1848, the following entry was made of record:

HEIRS OF H. TURNER vs. THE UNITED STATES. } 32.

This case, by consent of counsel, was fixed for Saturday, the 20th instant.

And afterwards, to wit, on the 20th of May, A. D. 1848, the following continuance of the case was entered of record:

HEIRS OF H. TURNER
vs. } 32.
The UNITED STATES.

The trial of this cause was, on motion of the counsel for the plaintiffs, and with the consent of the United States district attorney, continued until some future day.

And afterwards, to wit, on the 23d of May, 1848, the following entry was made of record:

HEIRS OF H. TURNER
vs. } 32.
The UNITED STATES.

By consent of counsel, this case was fixed for trial on Thursday, the 8th of June, proximo.

And afterwards, to wit, on the 8th of June, 1848, the following further continuance of the cause was entered of record:

HEIRS OF H. TURNER
vs.
The UNITED STATES.

On motion of H. H. Strawbridge, esq., acting on behalf of Prentiss and Finney, for the plaintiffs, and with the consent of the counsel for the defendants, this case was continued until Monday, the 12th instant, at 10, A. M.

And afterwards, to wit, on the 12th day of June, 1848, the opening of the trial of the cause was thus entered of record:

U. S. district court, May term, 1848.

HEIRS OF TURNER
vs. } 32.
The UNITED STATES.

This case was to-day opened for trial, and continued to come up in regular order.

And afterwards, to wit, on the 14th of June, 1848, the resumption and submission of the cause were thus entered of record:

HEIRS OF H. TURNER
vs. } 32.
The UNITED STATES.

The trial of this cause was to-day resumed, S. S. Prentiss, esq., appearing for the plaintiffs, and the U. S. district attorney for the defendants.

The counsel for the plaintiffs formally presented to the court a memorandum synopsis of the evidence offered on behalf of the complainants; when, after argument, the court took the matter under consideration.

Abstract of evidence offered by the plaintiffs on the 14th of June, 1848, (on the submission of the case.)

Wednesday, June 14th, 1848.

HEIRS OF H. TURNER vs. THE UNITED STATES. } 32.

Present the honorable T. H. McCaleb.—May term, 1848.

Memorandum of evidence offered by the plaintiffs prior to the opening of the argument:

1st. Original grant by Carondelet, together with Trudeau's plats and procès verbaux (already copied on pages 47 et seq. of this transcript as portion of the evidence offered before the jury.)

2d. Depositions of Tessier, Bringier, Bouligny, Cruzat, and Mazureau, to prove the authenticity and character of said grant, plat, &c., (the first and two last depositions already copied on pages 39, 56, 60, 64, of this transcript.)

3d. Act of the legislature of Louisiana creating office of surveyor general.

4th. Certified copy of Dinsmore's survey of 27th March, 1820, (marked exhibit A.)

From the files of the U. S. circuit court for La., in case of The U. S. vs. King and Coxe.

5th. The appointment of Thomas Freeman as surveyor of the lands of the U. S. south of Tennessee is admitted.

6th. Document marked (A) being appointment of John Dinsmore as deputy surveyor, 14th April, 1819; also document (B,) being order of Freeman to Dinsmore to make the survey of the Maison Rouge grant; also deposition of Benjamin Winchester, proving said three documents.

U. S. vs. King and Coxe. Omitted by order of counsel, and by consent.

7th. Will of Maison Rouge.

8th. Certified copy of Dinsmore, survey of tract No. 3.

9th. Reduced copy of Dinsmore, survey of lots 1 and 2.

10th. Letter of Armesto to Breard, April, 1795.

Case of United States vs. King & Coxe.

11th. Letter of Morales, 1796.

12th. Rendon to Maison Rouge, 12th August, 1795.

13th. Passport to Maison Rouge.

14th. Judge Bullard's statement.

15th. Copy of Carondelet's letter to Filhiol, 2d April, 1795, (marked No. 9, (A 2,) in Bastrop case.

16th. Letter of Carondelet to Filhiol, 2d June, 1796, (10, A 1, eodem.)

17th. Letter of Carondelet to Maison Rouge, 5th March, 1797, (A 3, eodem.)

18th. Letter of Filhiol to Maison Rouge, 12th September, 1796, (A 5, eodem.)

19th. Petition of Bastrop to Carondelet, 10th June, 1797, (A 6, eodem,) (already copied on pages 64, 65, of this transcript.)

20th. Copy of Trudeau's certificate, and plan of the Bastrop grant, annexed to Bringier's deposition, (pages 53 to 55.)

21st. Judge Bry's deposition, (in the King case,) to their possession.

Deduction of title from Bouligny.

22d. Act of sale from Bouligny to Clark, passed before Pedesclaux, notary, June 1st, 1804.

23d. Chew and Relf, executors of Clark, to Henry Turner, 25th January, 1814, before Lynd, notary.

24th. Chew and Relf, executors, to D. W. Coxe, March 15th, 1820.

25th. Agreement, under private signature of Coxe and Turner, for partition of lots Nos. 1 and 2, dated April 17th, 1819.

26th. Partition between Coxe and Turner, dated March 29, 1820.

27th. Sale from Coxe to Turner of lots Nos. 10 and 11, 19th April, 1820.

28th. Sale from Turner to Coxe of lots 20 and 31, same date.

Depositions of L. Bringier and L. Bouligny.

THE HEIRS OF TURNER vs. THE UNITED STATES. } No. 32.

COMMISSIONER'S OFFICE, *March 4th*, 1848.

By consent, without notice, the parties in the above entitled cause appeared before me, the undersigned commissioner, this afternoon at 5 o'clock, P. M., to take the testimony of certain witnesses, to be used on the trial of the cause as above entitled.

The plaintiffs appeared, represented by S. S. Prentiss, esq., and the defendants by the district attorney, Thomas J. Durant, esq.

Louis Bringier, witness for the plaintiffs, being duly sworn to answer the following interrogatories:

Int. 1. What is your name, age, office, or occupation, and how long have you resided in Louisiana?

Answer. His name is Louis Bringier, aged sixty-five years, holds the office of surveyor of the parish of Orleans, and ex officio surveyor general of the State of Louisiana; he was born in Louisiana, and has resided in the State generally ever since, with the exception of travelling occasionally in other countries.

Int. 2. Are you acquainted with the handwriting of Carondelet, formerly the Spanish governor of Louisiana; if so, look at the document, marked A, annexed to the deposition of Charles Tessier, purporting to be a grant of land from said Carondelet to the Marquis de Maison Rouge, and say whether the signature of the said Carondelet is genuine?

Answer. That he has seen his handwriting very frequently, and that he is familiar with it; and having examined the document referred to, and the signature, states that from his knowledge of the handwriting he believes the signature of Carondelet thereto to be genuine.

Int. 3. Are you not surveyor general of the State of Louisiana under the statute of that State, passed 18th of March, 1818; if you are, please

state whether you have in your custody and possession as such officer any of the documents mentioned in the third section of said act, and especially if you have any which relate to the said grant from Governor Carondelet to Maison Rouge?

Answer. That he is surveyor general of Louisiana under the statute mentioned. States that he has the documents purchased from the estate of Carlos Trudeau by the State of Louisiana, and among them two figurative plats of survey relating to the grant to Maison Rouge.

Int. 4. Have you in your possession the original figurative plan and certificate of Carlos Trudeau, of which document marked B, annexed to the deposition of Charles Tessier, purports to be a copy; if so, please produce the original, and state where you obtained it, and how long it has been in your custody.

Answer. That he has the original figurative plan as described in his possession, but has it not at present with him; that he found it among the records of his office at the time of his appointment, somewhere about the year 1825, and that he has had it in his possession ever since.

Int. 5. In whose handwriting is said original; is it all in the same handwriting; is the date of said original plan and certificate at the close thereof written in figures, or in words at full length; if in the latter, in whose handwriting is it written; are you well acquainted with the handwriting of Carlos Trudeau; if yea, say whether his signature to said plan and certificate is genuine or not?

Answer. That the said original is in the handwriting of Carlos Trudeau, and all is in the same handwriting; the date at the close is not in figures, but in words at full length, and in the handwriting of said Trudeau; that he is well acquainted with the handwriting of Carlos Trudeaa, having seen it very frequently, and that his signature to the said plan and certificate is genuine.

Int. 6. What office, if any, did Carlos Trudeau hold under the Spanish Government; what was his character for honesty, probity, and capacity?

Answer. That he held the office of surveyor general under the Spanish Government; and that his character for honesty, probity, and capacity was unimpeached, and that he stood remarkably high in public estimation as possessing all these qualities.

Int. 7. Have you or not in your possession and custody, among the records of your office, a copy or duplicate of the original plan and certificate of Carlos Trudeau, referred to in your previous answer; if so, produce it; state how it came into your possession; in whose handwriting it is; whether the date at the end is in figures, or written in full; whether the signature of Carlos Trudeau thereto is genuine; and annex to your deposition said copy or duplicate.

Answer. That he has said document as above described in his possession and custody; that he now produces the same document before the commissioner, but the same being a record of his office he declines permitting to be filed; he found it among the records of his office when he assumed the duties thereof as before stated; that it is in the hand-

writing of Carlos Trudeau, wholly and entirely, the date written in full and not in figures; and the signature of Carlos Trudeau thereto is genuine; and said witness here annexes to this deposition a certified and correct copy of said copy or duplicate marked C.

Int. 8. Please state what was the custom and usage of the Spanish government of Louisiana in regard to such copies or duplicates of certificates of survey; were they or not, when issued by the proper officer, considered of the same character, dignity, and effect as the original?

Answer. That the copy of a plat and certificate of survey, when made by the surveyor, had the same dignity, force, and effect as the original; that it was the same thing as the original.

Int. 9. Are you acquainted with the forms and customs of the Spanish government in granting lands in Louisiana; if so, what is the character and nature of Trudeau's plan and certificate in favor of Maison Rouge; does it necessarily import that an actual previous survey was made or not; were or were not lands sometimes granted by the Spanish government upon figurative plats or plans certified by the surveyor general before any actual survey had been made; did a figurative plan, calling only for natural boundaries, necessarily imply an actual survey, according to the usages of the Spanish government in granting lands?

Answer. That he has some acquaintance with the usages and customs of the Spanish government in granting lands; that Trudeau's plan and certificate was a figurative one, and implied and meant that no previous survey had been made; that the Spanish government was in the habit of granting lands upon such figurative plats or plans before the actual survey; that this plan would have to be surveyed afterwards to ascertain the quantity. The grant however could be made upon such a plan without any actual survey; the subsequent survey being necessary only to ascertain the quantity.

Int. 10. Have you or not in your possession and custody, among the records of your office, a plan and certificate of Carlos Trudeau in favor of the Baron de Bastrop; if so, state in whose handwriting is said plan or certificate; and is the signature thereto of said Trudeau genuine?

Answer. That he has the original certificate of Carlos Trudeau in favor of the Baron de Bastrop; a certified copy of which is annexed to this deposition, and marked D, and made a part of this answer; said original is wholly in the handwriting of said Carlos Trudeau, and his signature thereto is genuine.

LS. BRINGIER.

Cross examination by the district attorney waived.

Louis Bouligny being duly sworn:

Question 1st. What is your name, age, and occupation; and how long have you resided in Louisiana? States that he is sixty-seven years of age; has resided all his life in Louisiana.

Question 2d. Are you acquainted with the subject matter of this suit; have you any interest whatever in its result?

Answers. That he is acquainted with the subject matter of this suit, and has no interest in its result.

Question 3d. What has been your occupation, and what offices have you filled in the State of Louisiana; and what office do you hold now?

He was under the Spanish government an officer in the regiment of Louisiana; since the cession of Louisiana, has been a planter, a member of the legislature, a justice of the peace, and is now recorder of mortgages for the parish of Jefferson.

Question 4th. Are you acquainted with the handwriting of Carondelet, formerly governor of the province of Louisiana; if so, look at the document marked "A," annexed to the depositions of Charles Tessier, purporting to be a grant of land from said Carondelet to the Marquis de Maison Rouge, and say whether the signature of the said Carondelet to the said grant is genuine.

Answers. That he having been a standard bearer in the regiment, he frequently was sent to Governor Carrondelet and saw him write orders, which were handed witness to deliver; that from this means, and from having seen many letters written by said Carrondelet, he has become acquainted with his handwriting; has examined the document A referred to as above, purporting to be a grant of land from the said Carrondelet to the Marquis de Maison Rouge, and recognises the signature of said Carrondelet to be genuine; he also recognises the signature of Carrondelet to the note at the bottom of the said grant to be also in his handwriting.

Question 5th. In whose handwriting is the body of the said original grant?

Answers. That it is in the handwriting of Charles Tessier, who was at the date of the grant one of the clerks in the office of the secretary of said Governor Carrondelet; the secretary's name is Andres Lopez Armesto, whose signature he recognises at the bottom of said grant.

Question 6. In whose handwriting is the French translation of said grant found upon the same sheet with the grant?

Answers. That it is in the handwriting of the Marquis de Maison Rouge, and was written in the presence of witness; witness assisted Maison Rouge in making this translation, Maison Rouge being less familiar with the Spanish language than witness; this translation was made in 1799 in the house of *father's witness*, where Maison Rouge was then on a visit, and where he died.

Question 7th. Did you know Carlos Trudeau; what office did he hold, if any, under the Spanish government, and what was his character [for] probity, integrity, and capacity?

Answers. That he knew Carlos Trudeau, or Carlos Laveau Trudeau, very well; (said Trudeau was in the habit of signing his name both ways); he was for many years, and until the change of government, the surveyor general of the province of Louisiana; he was generally esteemed, and universally considered a man of honor and probity; after the change of government he remained in Louisiana, and so generally was he esteemed, that in 1805 or '6 he was elected recorder of

New Orleans, and that he was several times re-elected, and held that office until his death, which occurred about the year 1813 or '14.

Question 8th. Look at the document here produced from his records by Louis Bringier, surveyor general of Louisiana, purporting to be a copy or duplicate of a figurative plan and certificate made by Carlos Trudeau in favor of the Marquis de Maison Rouge for thirty leagues of land, and a copy of which copy or duplicate is annexed to the deposition of Louis Bringier, marked "document C," and on file in this suit. Do you know the handwriting of the said duplicate; if so, whose is it; is it wholly in his handwriting, and is the signature of Carlos Trudeau to the same genuine?

Answers. Having examined said duplicate, of which said document C is a copy, he states, that he is well acquainted with the handwriting, and that said figurative plan and certificate are wholly and entirely in the handwriting of Carlos Trudeau, as well the writing in the drawing or plan as in the body of the certificate, and the signature of Carlos Trudeau thereto is genuine.

Question 9th. Did you ever before see said plan and certificate of Trudeau, or a copy or duplicate thereof; if yea, when did you first see it; where did you first see it; in whose handwriting was it; where did you find it; was it ever in your possession, and what became of it?

Answers. That he has seen and had in his possession a copy or duplicate of said plan and certificate; it was wholly in the handwriting of said Carlos Trudeau; he first saw it in the possession of Maison Rouge; immediately after Maison Rouge's death the seals were affixed to his trunk by the judicial authorities; when afterwards the seals were taken off, perhaps 2 or 3 days after his death, the trunk and its *contains* were delivered to the witness, as his executor and universal legatee, and witness found among the papers in said trunk said plan and certificate, and the original grant now on file in this suit; he delivered said plan and certificate, with other papers relating to said grant, to Daniel Clarke, when he sold to him in 1811, and he does not know what has become of the same; he has not seen it since.

Question 10th. Are you acquainted with the forms and customs of the Spanish government in granting lands in Louisiana; if yea, state what is the character and nature of Trudeau's plan and certificate before referred to; does said figurative plan necessarily imply that an actual previous survey was made; were or were not lands sometimes granted by the Spanish government upon figurative plats or plans made out by the surveyor general in his office before any actual survey had been made; and were or were not such grants valid under the usages and customs of the Spanish government?

Answers. That he knows the usages of the Spanish government in granting land in Louisiana; says that the plan referred to in the interrogatories is not an actual survey, but a figurative plan or sketch, which implies that the land was not surveyed; this land was never surveyed by Carlos Trudeau, who never was in Ouachita; it appears from the terms of the certificate, and of the grant, that the land was not surveyed un-

der the Spanish government; a plan of an actual survey was never called plano figurativo; that grants based upon figurative plans were as valid as those preceded by actual surveys; there were then in the province but three surveyors, to wit, Soulard, at St. Louis, Goutsoulin, in Attakapas, and Carlos Trudeau, in New Orleans; considering the state of the country at the time, they could not *had* possibly surveyed all the lands that were granted.

L. BOULIGNY.

Cross examination by the dist. att'y waived.

I, N. R. Jennings, duly appointed commissioner to take testimony in land causes, do certify, that the foregoing are the true depositions and testimony of L. Bouligny and L. Bringier, witnesses introduced by the plaintiffs, as taken down by me in writing.

I further certify, that the foregoing depositions were carefully read over to the witnesses, and that the same were respectively subscribed by them before me.

In witness whereof I hereunto set my hand and seal, this 4th day of March, A. D. 1848.

N. R. JENNINGS, [SEAL.]
Commissioner.

Document "C," referred to in the foregoing depositions.

[For map see original.]

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &c.

Certifico, á favor del señor marqués de Maison Rouge, que los terrenos figurados en el plano que precede, de color vermeillon, pueden contener trenta leguas planas, (á saver,) el primero, marcado No. 1, sobre la márgen derecha del Rio Ouachita, á tomar á cinco arpanes mas abajo de la boca del bayu de la Chemière au Tondre, hasta el bayu Calumet, con el fondo correspondiente, afin que dicho paño complete ciento y quarenta mil arpanes planos. El segundo paño, marcado No. 2, sobre el márgen izquierdo del mismo rio Ouachita, á tomar á dos leguas mas abaxo del fuerte Miro, en la parte llamada l'Ainé, hasta una legua mas abajo de la pradería de Lee, con el fondo correspondiente, para completar sesenta mil arpanes planos. El tercero paño, marcado No. 3, á tomar en frente del bayu la Loutre, y desde ally, sobre una linea tirada del sur sesenta grados este, hasta el bayu de Siard; aquella linea, el bayu de Siard, el de Barthelemy, y el rio Ouachita, deve limitar dicho paño No. 3; y el paño No. 4, sobre el márgen derecho del rio Ouachita, á tomar en frente de la entrada del bayu Barthelemy, baxando el rio hasta el bayu la Loutre; cuyos dos paños No. 3 y 4, con el fondo correspondiente á la parte del oeste, deven completar ocho mil tres cientos quarenta y quatro arpanes; agregados con los paños No. 1 y 2, forme una superficie total de dos cientos y ocho mil tres

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Document D. - 5

cientos quarenta y quatro arpanes planos, igual á las treinta leguas antedichas, á razon de dos mil quinientos toesas por lados á cada legua, lo que es la medida *agregada* en esta provincia. Bien entendido, que los terrenos incluidos en los antedichos terrenos, sea con título en forma ó en virtud de primero decreto de concesion, no deven entrar en el complimiento de las antedichas treinta leguas; bien, al contrario, prometiendo el señor marqués de Maison Rouge de no perjudicar á ninguno de los ocupantes, y promete de mantener y apoyar los interesados en todos sus derechos; pues, si acaso los antedichas treinta leguas padecen alguna diminucion respeto á las tierras ocupadas, no *ara* ninguno inconveniente para que dicho señor marqués pudiese completarse en otro parage qualquiera, donde se hallan tierras vacantes, y de la conveniencia y satisfaccion del interesado; y, para que conste, doy la presente, con el plano figurativo que antecede, formado de órden del señor governador general el Baron de Carondelet; de todo lo que doy fé, á quatorze de Junio de mil setecientos noventa y siete años.

Anotado en el libro A, No. 1, verso 38.

Es copia conforme á su original, entregado al interesado en virtud del órden verbal del señor gvr. genl. el Baron de Carondelet, dia ut supra.

(Signed) CARLOS TRUDEAU, *Agr.*

I certify the foregoing to be a true copy of the original, filed in bundle letter M, No. 130, and deposited amongst the records in the surveyor general's office, under my charge.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 11th day of February, 1848 year of our Lord, and the seventy-third of the independence of the United States of America.

LS. BRINGIER, *Surveyor general.*

Document marked "D".

[For map see original.]

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &c.

Certifico que el present plano contiene cien quarenta y quatro leguas planas de superficia, cada legua formando un quadrado que tiene por lados dos milles y quinientos toesas, medida de la ciudad de Paris, segun uso y costumbre de esta colonia; cuyo terreno, situado en el puesto de Ouachita, á como ochenta leguas mas arriba de la embocadura del mismo rio, en el rio Colorado; lindando dho. terreno, en la part de S. Œ., con las orillas orientales del rio y bayues Ouachita, Barthelemy y Siard, conforme á la linea colorada, bordando dichos rio y bayues al sur, por una linea dirigida del sur sesenta y cinco grados este, de tres

leguas, con una milla de larga, á tomar desde la orilla (C) del bayu de Siar[d] hasta encontrar la altura de la junta (A) del mismo bayu Siar[d] con el bayu Bartelémy, dicho punto A sirviendo de baza á la linea del medimiento (AB) de doze leguas de larga, paralelamente al plano del bayu Bartelemy, desde el punto (A) hasta el último de dichos doze leguas, terminándose el punto (B) á la embocadura del arroyo llamado bayu Término, los límites (DEFG) son paraleles, dirigidos norte cinquenta y dos grados este, sin atender á la variacion de la bruxula, variando esta de ocho grados al N. E. Y, para que conste, doy la presente, con el plano figurativo que accompaña, á favor del señor Baron de Bastrop, Junio quatorze de mil setecientos noventa y siete años. Firmado yo, el presente agrimensor, y mas abajo se halla rego. en el libro A No. 1, verso 28 al No. 922 de las expens. de apeo, y copiado de sus originales, remits. doble á la secretaría del govierno, de órden verbal del señor comandante genl. el Señor Baron de Carondelet, ut supra firmado.

CARLOS TRUDEAU.

Certifico las presentes copias conforme á las origins. que paran en la oficina de agrimensa. genl., á que me remito, y, para que sirve donde convenga, forme las presentes, en Nva. Orleans, cinco del mes de Noviembre de mil setecientos noventa y siete.

(Firmado) CARLOS TRUDEAU, *Agr. Rl.*

I certify the foregoing to be a true copy of the original filed letter B, No. 8, and deposited amongst the records in the surveyor general's office under my charge.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 11th February, 1848.

LS. BRINGIER, *Surveyor general.*

Translation from the Spanish of document marked "D."

[For map see original.]

Don Carlos Trudeau, royal and special surveyor of the province of Louisiana.

I certify, that the foregoing plan contains one hundred and forty-four leagues in superficie, each league forming a square which has for side two thousand five hundred fathoms measure of the city of Paris, in use in this colony; said land is situated in the post of Ouachita, at about eighty leagues from the mouth of said river, on the Red river; said land is bounded on the southwest side by the occidental bank of river and bay Ouachita, Barthelemy, and Siar, agreeably to the red line, forming the limits on said river and bay to the south, by a line running south sixty-five degrees east, by three leagues and one mile in length, taking from the bank, marked C, on bayou Siar, till the junction of said bayou

Siar with bayou Barthelemy; said mark A being the basis of the line of measurement (A B,) of twelve leagues in length, in parallel manner to the plan of bayou Barthelemy, from the point (A) till the last of the said twelve leagues, which terminates at point (B,) at the mouth of the small bayou named Termino. The limits (D E F G) are parallel, running north fifty-two degrees east, without notice to the variation of the compass, *this* making a variation of eight degrees to the northeast; and as a proof, I give the foregoing, with a figurative plan annexed to the same, in favor of Mr. the Baron de Bastrop, the fourteenth of June, one thousand seven hundred and ninety-seven. I have signed this as surveyor, and further down the same is recorded in the liber A No. 1, verso 28, No. 922 of the copies of measurement, copied from the originals, and despatched in duplicate to the secretary of the governor, from the verbal order of his excellency the commandant general, Mr. Baron de Carondelet, ut supra.

(Signed) CARLOS TRUDEAU.

I certify the following copy conformable to the original, which is deposited in the office of the surveyor general. New Orleans, the fifth day of November, one thousand seven hundred and ninety-seven.

(Signed) CARLOS TRUDEAU,
Surveyor general.

I certify the foregoing to be a true copy of the original filed letter B No. 8, and deposited amongst the records in the surveyor general's office under my charge.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 11th February, 1848.

(Signed) LS. BRINGIER,
Surveyor general.

I certify the foregoing to be a true and correct translation of document marked D, filed in the case of Heirs of Turner vs. United States.

LS. DUVIGNEAUD,
U. S. Translator.

Additional testimony of Louis Bringier.

HEIRS OF HENRY TURNER vs. THE UNITED STATES. } No. 32.

In the above entitled cause, Louis Bringier, a witness duly sworn on behalf of plaintiffs, and whose testimony has already been taken, was this day recalled by the plaintiffs to answer the following interrogatory:

Have you in your possession and custody the original figurative plan and certificate of Carlos Trudeau in favor of the Marquis de Maison Rouge, of which document marked B, attached to the deposition of Charles Tessier, and here presented to you, purports to be a copy? If yea, produce said original, compare it with said copy, and state whether

said copy is correct and complete. State how said original came into your possession. In whose handwriting are the words in the plan or drawing, and also those in the body of said original? Is the signature of Carlos Trudeau genuine? Can you file said original with this deposition? If not, state the reason why.

Answers. That he has in his possession and custody the original figurative plan and certificate set forth in the interrogatory, of which the document marked B, attached to the deposition of Charles Tessier, now presented to the notice of witness, purports to be a copy. Having compared said document B with said original, he states that it is an accurate, correct, and complete copy. Said original came into his possession at the time he assumed the office of surveyor general; it was among the records of the office. All the handwriting, both the words in the plan and drawing as well [as] those in the body of the original, *is* Carlos Trudeau's, and the signature of Carlos Trudeau thereto is genuine. Witness says that he cannot leave said original document with this his deposition, because it forms one of the records of his office and belongs to the State.

(Signed) LS. BRINGIER.

I certify the foregoing to be the true deposition of L. Bringier, and that the same was subscribed to before me.

Witness my hand and seal, this 8th day of March, 1848.

N. R. JENNINGS, *Comm'r.*

Act of the legislature of Louisiana creating the office of surveyor general.

An act to create a surveyor general and parish surveyors in the State of Louisiana.—Approved March 18, 1818.

1. Sec. I. That there shall be a surveyor nominated, and by and with the advice and consent of the Senate, commissioned by the governor, for each and every parish of this State, who shall reside in the parish of his appointment; the one appointed for the parish of Orleans being ex officio surveyor general of the State; and the said surveyors, before they enter on the duties of their office, shall produce their commissions in the parish court of the parishes for which they shall have been respectively appointed, and there, in open court, take oath, and well and truly to execute and perform the duties of their office; and, moreover, shall give bond, with good and sufficient security, to be approved of by the said courts respectively, to wit, the surveyor general in a sum of six thousand dollars, and the other surveyors in a sum of two thousand dollars, payable to the governor for the time being, or his successors in office, and conditioned for the due performance of the duties of their office.

2. Sec. II. That besides the scientific knowledge requisite for his profession, the said surveyor general shall possess a thorough knowledge of the French, English, and Spanish languages; and he shall be bound to keep his office in the city of New Orleans, in a fire-proof brick house,

situated in one of the parts of said city where houses are most generally built of bricks.

3. Sec. III. That as soon as the said surveyor general shall have taken the oath prescribed by this act, he shall cause to be delivered to him by the secretary of State, on an inventory, all the books, papers, records, drawings, plans, plats, warrants, and certificates of surveys, and all other papers purchased by the State from the estate of the late Charles Trudeau, and the same shall be deposited in his office, and at the foot of a duplicate of the said inventory, which shall remain deposited in the office of the secretary of State, the said surveyor general shall give his receipt of the aforesaid documents.

4. Sec. IV. That it shall be the duty of the said surveyors faithfully to execute all orders of survey directed to them by any of the courts of this State, and to make all surveys of lands lying in the respective parishes for which they shall have been appointed, and to which the United States have no claim, at the request of owners or proprietors thereof; and generally to do whatsoever in the surveying, measuring, and dividing of lands may be required of them by any person wishing the same done; and in all their measurations they shall be governed by the English perch or pole: Provided, however, That, in the plans or certificates of survey which they shall make out, they shall be bound to add to every designation of an English measure the relation it bears with the measures formerly used in this State.

5. Sec. V. That the fees chargeable by the said surveyors shall be paid by the party desiring the services to be performed, and where the services shall be rendered in obedience to an order of a court, in a suit therein depending, the surveyor shall make out and state an account of his fees for such services, written in words at full length on the back of one of the plats by him returned to the court, and the same shall be allowed in the bill of costs to be taxed against the losing party as other costs; but where it shall appear that the survey of any part thereof was made at the instance of the party cast in the suit, such and so much of the said fees as accrue on the works done by the surveyor for such party shall not be taxed.

6. Sec. VI. That it shall be the duty of the said surveyors, whenever called on for that purpose, to resurvey and remark and bound any tract of land in their respective parishes, where the old marks are defaced or likely to decay and perish, or where by any cause they are destroyed, taking special care, in all such cases, to be governed by the original surveys, patents, or title-deeds of such tracts; and the said surveyors shall make a plain report and certificate of all such re-marks and boundaries by them made as aforesaid; of which report and certificate they shall deliver a certified copy to the owner, if he requires it.

7. Sec. VII. That the chain carriers and markers shall be allowed each one dollar per day, for their services as such, to be paid in the same manner as is provided by this act for surveyors.

8. Sec. VIII. That each surveyor appointed under this act shall, and is hereby authorized and required to, administer an oath to each of

his chain carriers, faithfully and diligently to perform his duties as chain carrier, without favor or affection or partiality; and it shall be the duty of each of the surveyors to write the name of each of his chain carriers down on the plat made of a tract of land for which they carried the chain in the surveying thereof.

9. Sec. IX. That it shall be the duty of a surveyor, whenever called on to make a survey, as provided by the sixth section of this act, to notify the adjoining landholders of the day on which he will commence the said survey, that they may attend or cause somebody else to attend in their behalf, if they think proper, and he shall note the same on the plat, by putting down the names of the persons notified, and the number of days notice he gave each of them.

10. Sec. X. That it shall be the duty of the said surveyors, to record by order of dates, in a book kept for that purpose, all the plats and reports of surveys made by them; and the surveyor general, besides the private register for the parish of Orleans, shall keep a general register, in which he will record, as well the plats and reports of the operations made by him, as the plats and reports of the operations made by the parish surveyors, who shall be bound to forward him every three months certified copies of the operations made by them in their respective parishes; and all certified copies of the plats and reports of surveys thus recorded, as well as of the titles and papers which, pursuant to this act, are to be delivered to the surveyor general, which shall be given by the said surveyors under their hands and the seal which they are hereby authorized to adopt, shall be entitled to full credit in all the courts of this State.

11. Sec. XI. That the said surveyors shall be entitled to demand and receive for their respective services the following fees, to wit, for mileage in repairing to and returning from any place where a survey is to be made, per mile, twelve and a half cents; for measuring the front of any tract of land on any bayou or river, for every arpent, running measure, twenty-five cents; for measuring depth line, where the line touches cypress swamps, and for measuring back line, for every arpent, twenty-five cents; for running a straight line, for every mile, four dollars; for meandering a water course, for every arpent, twenty-five cents; for every plat of a tract of land, including the record, five dollars; for every certified copy of such plat, two dollars and fifty cents; for planting every corner post, one dollar; for any additional tract of land comprehended in a plat with surveys and boundaries established, five dollars; for measuring every lot in a town, suburb, or other place divided into lots, for every foot, one cent; for every original plat of any such lot, including the record, three dollars; for every certified copy of such plat, and of the certificate of survey, two dollars and fifty cents; for every additional tract of land in a connected plat, two dollars.

12. Sec. XII. That in case the said surveyors should demand or receive, for any of the services mentioned in the provisions of this act, any other fees than those above fixed and established, or if the said surveyors should demand or receive any of the said fees without having perform-

ed the services for which they shall have demanded or received them, and if the said surveyors should demand or receive any other or higher fees than those allowed to them by this act, which shall be proved by the receipt of such surveyor, and under his oath upon the Bible, the said surveyor shall for every such offence be fined in a sum of fifty dollars in favor of the party aggrieved, besides the restoration of the fees so unjustly demanded and received, to be recovered with costs before any court of competent jurisdiction.

[For map see original.]

Document marked (A,) being appointment of John Dinsmore, as deputy surveyor, 14th April, 1819; also document (B,) being order of Freeman to Dinsmore, to make the survey of the Maison Rouge grant; also deposition of Benj. Winchester, proving said documents, (taken from the files of circuit court in the case of the United States vs. King and Coxe.)

(*Document A.*)

Thomas Freeman, surveyor of the lands of the United States, south of the State of Tennessee, to all whom these presents may concern:

Be it known, that I appoint John Dinsmore, esq., a deputy surveyor in the land district north of Red river, State of Louisiana, hereby authorizing and empowering him to execute and fulfil the duties of that station according to law, and to have and to hold said appointment, with all the rights and emoluments thereunto legally appertaining, during the pleasure of the surveyor of the lands of the United States south of the State of Tennessee, for the time being.

Given under my hand at the surveyor general's office, in the town of Washington, the 14th day of April, one thousand eight hundred and nineteen.

(Signed) THOMAS FREEMAN.

(*Document B.*)

You are hereby directed to survey the claim of Maison Rouge, near Fort Miro, on the Ouachita. That claim shall be surveyed, (as all other private claims are,) agreeably to its original location, and the re-survey thereof returned to this office for examination. You will call at this office on your way to perform the duties of your appointment, for the purpose of being legally qualified, and receiving such further instructions as may be deemed necessary.

(Signed) THOMAS FREEMAN,
Surveyor General.

Surveyor's office, Washington, April 14, 1819.

JOHN DINSMORE, esq.

Deposition of B. Winchester.

Deposition of witness, produced, sworn, and examined, by virtue of the annexed commission, on the 8th day of April, 1843, in the city of New Orleans, in the parish of Orleans, in the State of Louisiana, before me, M. M. Cohen, commissioner named in the annexed commission, in a certain cause now depending in the circuit court of the United States, for the 5th judicial circuit, holding sessions in and for the eastern district of Louisiana, between the United States and Richard King, on the part of Coxe, called in warranty.

B. Winchester, being produced and sworn, answers as follows: That he was well acquainted with the late Thomas Freeman, surveyor of the lands of the United States south of the State of Tennessee, from the year 1815 to the time of his death.

Deponent is well acquainted with his handwriting, having often seen him write, and he recognises the signature of Thomas Freeman to the document marked A; also the manuscript portion as having been written and signed by said Freeman. Deponent has also examined the document B, annexed to this deposition, and recognises it as the writing of said Freeman; he also recognises the signature affixed to said document B as that of the said Thomas Freeman.

(Signed) BEN. WINCHESTER.

Sworn to and subscribed at the place and on the day first aforesaid.

(Signed) M. M. COHEN, *Commissioner.*

I do hereby certify, that Ben. Winchester was by me sworn to declare the truth on the questions put to him in the cause; that interrogatories were put to him, and his answers thereto taken in writing, and subscribed by him in my presence, on the day and at the place in that behalf first aforesaid.

(Signed) M. M. COHEN, *Commissioner.*

United States circuit court, clerk's office, district of Louisiana.

I, Ed. Randolph, clerk of said court, hereby certify the foregoing to be a true copy of the original on file in my office in the case stated.

Given under my hand and the seal of said court, at New Orleans, this 7th day of September, 1848.

ED. RANDOLPH, *Clerk.*
By JAS. M. DOWNS, *D. C.*

Will of Maison Rouge, (taken from the files of the circuit court, in the case of the United States vs. *King and Coxe.)*

In the name of God Almighty, who lives and reigns without beginning or end. Amen.

Be it known to all who shall see this, my last will and testament, that I, Joseph de Maison Rouge, born in Paris, established in Ouachita, legitimate son of Louis de Maison Rouge and of Catalina de Ville-

neuve, both of the city of Paris, though ignorant of their being now alive, being sick abed, in full possession of my memory and understanding, as God our Lord has been pleased to give me; believing, as I truly believe, in the great and sovereign mystery of the most holy Trinity, Father, Son, and Holy Spirit, three persons really distinct, and one real essence, and in the incarnation of the divine word, made man for our salvation, in the most holy bowels of the Virgin Mary, our lady, his passion and death, and in the other articles and mysteries which our holy mother, the Catholic Apostolic Church of Rome, holds, believes, preaches, and teaches, regulated and governed by the Holy Spirit, in the faith and belief whereof I have lived, and shall continue to do till I die; fearing death, which is natural to all creatures, the hour uncertain, but knowing that mine is to come, I am desirous to make my will; and, for its greater validity and security, I invoke the assistance of the sovereign queen of angels, our most holy lady Mary, that she may intercede for me with her excellent, precious Son, to forgive the enormity of my sins, and put my soul in the way of salvation; by whose divine intercession, intervention, and promises, I ordain and direct it in the form which follows:

First. Recommending my soul to the same Lord God who gave it to me, and created and redeemed it at the price of his most precious blood, passion, and death, I implore him, by the most holy bowels of his divine mercy, that he will pardon it and send it to eternal rest among the chosen, for which it was created.

My body I order to be placed in the earth, out of which it was made; and, when I die, I desire to be buried in the plainest manner, and that my funeral shall take place in such place as my executor chooses, to whom I leave the management of the rest of my funeral and interment, in order that he may act as to him appears best. Such being my will and pleasure.

I also direct that three masses be said for the rest and repose of my soul, for each of which three bits or rials shall be paid once and to each of the donations into which my goods and effects are divided.

I also declare that I am a bachelor, that it may so be made manifest and certain. I also declare and make known that I possess property in Paris, Berry, and Querry, which was confiscated, of which I possess no documents to establish my claim.

I also declare that I possess, in Ouachita, a house and land, which I give and bequeath to my servant maid, called Maria, an Irish woman; such being my wish and pleasure.

I also declare that I owe some small sums to my work people, which I desire to be paid from the present harvest.

I also name as my executor and property holder Mr. Louis Bouligny, whom I empower and give authority to, after my death, to take possession of my goods and property, without the intervention or interference of judicial proceedings; to make inventories, valuations, and sales thereof; to appoint such appraisers as he chooses, and to adopt all necessary proceedings until my mortuary affairs are concluded and wound up;

for which purpose I postpone and extend the year of executorship, and further time which may be necessary for that purpose; and such is my will and pleasure.

I also declare that I have, at the house of Don Pedro, all the articles necessary to build a saw mill for cutting plank, and a pump auger.

I also desire and declare that, in the donation which by this will I make to my servant maid Maria of a house and land, there is only included five acres front, by the usual depth, and the aforesaid house, and not the rest, or other land; such being my will and pleasure.

And the residue and remainder of my goods, rights, and actions, as well within as out of this province, in case my parents are dead, I constitute and name, for my sole and universal heir, the aforesaid Louis Bouligny, in order that, after my decease, he may have and inherit them, with the blessing of God and myself; and such is my will and pleasure.

I revoke and annul, and declare void, cancelled, of no value nor effect whatever, any other will and testamentary dispositions I may have heretofore made by word or in writing, which I desire no faith or value shall be attached to, saving and excepting this which I at present authorize and declare in such manner and form as may stand good and right.

In faith of which, this instrument is dated in the city of New Orleans, the 26th of August, one thousand seven hundred and ninety-nine.

I, the notary, give faith to and know the declarer, who, to appearance, possesses his natural judgment, memory, and understanding, and signed it in the presence of Don Andres Lopez de Armesto, honorary commissary of war and secretary of this government, Dn. Pedro Gondillo, and Dn. Vizente Texeiro Lientard, inhabitants.

DE MAISON ROUGE.

VIZ'TE FERNANDEZ TEXEIRO,
PEDRO GONDILLO,
ANDRES LOPEZ DE ARMESTO.

Before me, PEDRO PEDESCLAUX,
Notary Public.

This agrees with the original, to which I refer. New Orleans, the third of July, one thousand eight hundred and seven.

[SEAL.] PEDRO PEDESCLAUX,
Notary.

CIRCUIT COURT OF THE UNITED STATES,
District of Louisiana, clerk's office.

I, Edmund Randolph, clerk of said court, do hereby certify, that the above is a true copy of document W filed in my office, in case United States vs. R. Knight, &c., it purporting to be a copy of the will of Maison Rouge.

[SEAL.] Given under my hand and the seal of said court, at New Orleans, this 8th day of September, 1848.

EDMD. RANDOLPH, *Clerk*,
By JAS. M. DOWNS, *D. C.*

[For map see original.]

Letter of Morales, (taken from the files of the circuit court in the case of the United States vs. King & Coxe.)

Translation of the letter of J. V. Morales, of 26th August, 1796.

Under this date I have written to the commandant, John Filhiol, as follows:

By the certificates which you sent me in behalf of the individuals who were brought here lately by the Chevalier Breard, I learn that there were among them many single men, who cannot, therefore, be considered as composing families, and, consequently, they ought not to have received the $100 stipulated in the 1st article of the contract which the Marquis of Maison Rouge made with the governor and intendant of this province. On this occasion we passed over this irregularity, in order to avoid disputes in future, it being inconsistent with the spirit of the contract, and of no use to the interests of the King, to spend the public money on individuals who, having no inducements to remain in the country, could leave it with the same facility they came. *I* must not occur again; and inform the Marquis that there are no funds in the public treasury destined to that object, and that, as soon as he has completed the number of thirty families which he contracted for, nothing will be paid out of the royal treasury to any who should exceed that number, and who wish to come and establish themselves in this district; and you will consider yourself instructed to this effect, and conform to it in future, advising me in conformity of what is done in the premises. I consider you as the agent, and authorized to act for the Marquis of Maison Rouge, in the business of bringing families to that post, and, therefore, communicate this for your government and information.

The Lord preserve you many years.

(Signed) JUAN VENTURA MORALES.

To Mr. Augustus de Breard.

New Orleans, 26th August, 1796.

Letter of F. Rendon to Maison Rouge, (taken from the files of the circuit court in the case of the United States vs. King & Coxe.)

New Orleans, *August* 12, 1795.

Sir: I have received the honor of your letter of the 25th June last, with a statement of the families. Your perseverance in the opinion you have formed of the excellence of the lands you inhabit, and which you are going to make flourish for the happiness of this province, as well as for those in its neighborhood which ought to partake of these

advantages, ought to animate you to make the greatest efforts to effect its early accomplishment. The picture you draw of these enchanted places convinces me of the solidity of your judgment and of the fortunate selection you have made in your plan, as well as of the facility of means to carry it into execution in all its branches.

I have paid Mr. Merieult the 300 dollars of Alexander Laurent, Peter Relé, and James Fèret.

By this opportunity, I inform the commandant of what is to be done when any new family arrives, giving him distinctly to understand that, if the least formality or a certificate is wanting, and not conformable to the copy which I send him, no payment whatever will be made from the royal treasury.

I have the honor to be, with respect, sir, your very humble and most obedient servant,

(Signed) FRANCISCO RENDON.

Mr. De Maison Rouge.

Passport to Maison Rouge, (taken from the files of the circuit court in the case of the United States vs. King & Coxe.)

The Baron de Carondelet, knight of the religion of St. John, brigadier of the royal armies, governor vice-patron of the provinces of Louisiana, West Florida, and inspector of the troops thereof, &c., &c.

It is hereby permitted Messrs. De Maison Rouge, De Breard, and other *person* of their suite, to pass on to Ouachita to examine its position, and there to form a settlement. In consequence, Mr. De Filhiol will afford them every assistance and the information necessary for that object.

Given in our government house, at New Orleans, this 1st day of January, one thousand seven hundred and ninety-five.

(Signed) The BARON DE CARONDELET,
ANDREW LOPEZ ARMESTO.

Judge Bullard's statement, taken from the files of the circuit court in the case of the United States vs. King and Coxe.

I was for a short time, jointly with Isaac Thomas, the agent of Daniel W. Coxe, esq., of Philadelphia, in relation to his landed interests in Ouachita, and particularly as part owner of the large grant to the Marquis of Maison Rouge. While acting in that capacity taxes were paid on our drafts which had been assessed upon those lands. Documents, which I have lettered A, B, C, D, E, show these payments. They are signed by me, and most of them by Isaac Thomas. I know the signature of Henry Bry, having often seen him write. His signature to documents F and G is genuine. I know also the handwriting of John Hughes, deceased. He signed document H. I was also well acquainted with the signature of M. P. Flint, who succeeded us in the agency. Documents I and J are signed by him. I am also familiar with the signature of Thos. Bryan, late sheriff of the parish of *the parish of* Catahoulas, and recognise his signature to document K. It

is also to my knowledge that Mr. Coxe paid for opening a road through a part of the grant, in conformity with the police regulations of the parish of Ouachita. How much was paid I do not remember.

(Signed) H. A. BULLARD.

Document A, annexed to the foregoing statement.

ALEX'A, *May* 30, 1827.

D. W. COXE, esq., Philadelphia:

At sight please pay to the order of J. Thomas one hundred and twelve dollars, it being the balance of State and parish taxes due the sheriff of Ouachita, for 1826, on the land of D. W. Coxe, esq., and charge the same to account of Mr. Coxe.

(Signed) H. A. BULLARD,
J. THOMAS,
Agents of D. W. Coxe.

Endorsed—Pay to order of Thos. Wilson, cashier.

(Signed) J. THOMAS.

Pay to order of J. Andrews, 1st assistant cashier.

(Signed) THOS. WILSON, *Cashier*,
J. ANDREWS,
1*st assistant cashier*.

Document B, referred to in Judge Bullard's statement.

$126 $\frac{11}{100}$. ALEX'A, *March* 30, 1827.

At sight please pay to J. Morgan, or order, sheriff of the parish of Ouachita, one hundred and twenty-six dollars twelve and a half cents, in part of Mr. Coxe's taxes for 1826, and charge to his account.

(Signed) H. A. BULLARD,
J. THOMAS,
Agents of D. W. Coxe, esq.

Endorsed—Pay to J. Lovell.

(Signed) J. MORGAN.

Pay to Dan'l P. Ruff.

(Signed) J. LOVELL.

Pay to the order of Thos. Wilson, cashier.

(Signed) DAN'L P. RUFF.

Pay to the order of J. Andrews, 1st assistant cashier.

(Signed) J. ANDREWS,
1*st assistant cashier*.

Document "C," referred to in Judge Bullard's statement.

ALEXANDRIA, *May* 30, 1827.

At sight please pay Thomas Bryan, sheriff of the parish of Catahoula, forty-two dollars, for his orders for the taxes of D. W. Coxe, esq., for that year, due in the year 1826, and charge to account of Mr. Coxe.

(Signed) H. A. BULLARD,
J. THOMAS, *Agents.*

J. W. ZACHARIE, New Orleans.

Endorsed—Pay to Felix Arnaud, treasurer of the State of Louisiana, or order.

(Signed) FELIX ARNAUD, *Treasurer.*

Pay to order of J. Andrews, 1st assistant cashier.

(Signed) THOMAS WILSON, *Cashier,*
J. ANDREWS,
1st assistant cashier.

Document "D," referred to in Bullard's statement.

At sight please pay to the order of Thos. Bryan, esq., the sum of forty-three dollars and eight cents, the amount of taxes due by D. W. Coxe, esq., in the parish of Catahoula, for the year 1827, and charge the same to account of Mr. Coxe.

(Signed) H. A. BULLARD,
Agent of D. W. Coxe, esq.

S. JAUDON, esq., New Orleans.

NEW ORLEANS, *January* 13, 1829.

Endorsed—Received payment 15th Jan., 1829.

(Signed) THOS. BRYAN.

Document E, referred to in Judge Bullard's statement.

$50. ALEXANDRIA, Dec. 20, 1827.

Mr. JAMES W. ZACHARIE:

SIR: At ten days' sight pay to Charles T. Scott, or order, fifty dollars, being the price allowed to John D. Thomason for cutting out the road on Daniel W. Coxe's land, in the parish of Ouachita.

(Signed) J. THOMAS,
H. A. BULLARD,
Agents of D. W. Coxe.

Endorsed—Pay to James Normint, or bearer.

(Signed) CHARLES T. SCOTT.

Received payment of the within from S. Jaudon, New Orleans, 10th July, 1828.

(Signed) A. W. BURGESS,
For JAMES NORMINT.

Document "F," referred to in Judge Bullard's statement.

$70. OUACHITA, *7th February*, 1820.

Three days after sight please pay to the order of Mr. Peter Surzeneau, the sum of seventy dollars, for so much due me by Messrs. Coxe and Turner, for the road on their land in this parish, for 1819.

(Signed) H. BRY,
SURZENEAU.

R. RELF, esq., *New Orleans.*

Endorsed.—Seventeen dollars and fifty cents paid by H. Turner.

Document "G," referred to in Judge Bullard's statement.

$379 50. OUACHITA, *25th November*, 1819.

Three days after sight please pay to Jonathan Morgan, or his order, the sum of three hundred and seventy-nine dollars and fifty cents, it being the amount of the State and parish tax for the present year on the land of Messrs. D. W. Coxe and H. Turner, situated in this parish, and pass it as per advice.

(Signed) H. BRY.

RICHARD RELF, esq., *New Orleans.*

Endorsed.—Pay the amount of the within to Jno. Hughes.

(Signed) JON. MORGAN.

Received, January 11, 1820, the within amount of three hundred and seventy-nine dollars fifty cents.

$379 50. (Signed) JNO. HUGHES.

Document H, referred to in Judge Bullard's statement.

Received, Alexandria, 4th May, 1826, of Isaac Thomas and H. A. Bullard, esqrs., the sum of two hundred and thirty-six dollars and twenty-five cents, being the amount of State and parish taxes assessed on land taxed to Daniel W. Coxe, in the parish of Ouachita, for the year eighteen hundred and twenty-five.

$236 25. (Signed) JNO. HUGHES,
For JONATHAN MORGAN,
Collector.

Document "K," referred to by Judge Bullard.

HARRISBURG, *December 26th*, 1831.

DEAR SIR: Enclosed you have the amount of D. W. Coxe's taxes receipted, which you will please remit me by return of mail.

I remain, with due respect, your obedient servant,

(Signed) THOMAS BRYAN.

M. P. FLINT, esq.

Received of M. P. Flint, esq., seventy dollars and forty cents, in full of the State tax due by Daniel W. Coxe for the year 1830, and the State and parish tax for the year 1831.

(Signed) THOMAS BRYAN,
Sheriff of the parish of Catahoula.

State tax for 1830 - - -	$27 95
State tax for 1831 - - -	27 95
Parish tax for 1831 - - -	14 50
	$70 40

$289. NEW ORLEANS, *May 7*, 1833.

Ten days after sight pay the order of Messrs. John Hagan & Co. two hundred and eighty-nine dollars, for value received, which charge to account of your taxes for the Maison Rouge grant.

(Signed) M. P. FLINT.

DANIEL W. COXE, esq., *Philadelphia.*

Endorsed.—Pay to Messrs. Jackson, Riddle & Co., or order.
(Signed) JOHN HAGAN & CO.

Received the within for Jackson, Riddle & Co., May 24, 1833.
(Signed) PHILIP MESSERY.

UNITED STATES CIRCUIT COURT,
District of Louisiana, clerk's office.

I, Edmund Randolph clerk of said court, do hereby certify, that the six foregoing pages contain a true copy of the statement, with the documents annexed, of Judge Bullard, and on file in my office, in the case where the United States is plaintiff and Richard King et al. are defendants.

Given under my hand and seal of said court, at the city of New Orleans, this 25th day of September, A. D. 1848.

ED. RANDOLPH, *Clerk.*
By JAS. M. DOWNS, *D. C.*

Carondelet's letter to Filhiol, (taken from the files in the case of the Mayor, Aldermen, and Inhabitants of the city of Philadelphia and New Orleans vs. the United States.)

Document marked No. 9, A 2.

NOUVELLE-ORLEANS, *ce 2 Avril* 1795.

No. 1er.—Rep. le 20 May.

Vos vœux vont enfin être satisfaits, monsieur; nous venons de passer un contrat avec Mr. le marqs. de Maison Rouge, pour trente et tant de familles d'agriculteurs, qui vont former un établissement *au* Ouachita, composé de royalistes Français, de Hollandais, Flamands et Allemands. M. de Breard, ci-devant officier de marine, est parti pour les ports des Etats-Unis, où il les prendra et les conduira, par l'Ohio, *au* Ouachita; peut-être en amènera-t-il même davantage, car nous lui avons permis de prendre des engagés. D'un autre côté, le Baron de Bastrop, Hollandais, a contracté également pour quantité de familles, qui nous viendront en droiture de Hollande; et je l'attends lui-même de jour en jour, par le haut du fleuve. Mr. de Maison Rouge, qui réunit toute espèce de connaissances, est parti d'icy pour Natchez, où il est allé prendre son équipage et quantité d'instrumens propres au labourage à un nouvel établissement et à fabriquer un moulin-à-scie; car son principal objet, et le nôtre, est la culture du bled, qui fournira un moulin-à-moudre que M. Tardiveau va établir aux environs de la ville, comme celui qu'il vient de faire à la Nouvelle-Madrid avec le plus grand succès, à quatre meules, et de la façon la plus ingénieuse.

Vous laisserez choisir à Mr. de Maison Rouge quatre mille arpens pour son établissement, ou, [si] bon lui semblera, que lui serons délivrés fait à fait que les familles arriveront, à raison de dix arpens de face sur quarante de profondeur par famille; celle de Breard monte par ce bateau, et je vous prie d'avoir pour elle toute espèce de considération,

l'accommodant de votre mieux jusqu'à l'arrivée de Mr. de Maison Rouge, et d'une autre famille restée également aux Natchez.

D'après ce plan vous voyez, monsieur, que vous ne serez plus aussi isolé que ci-devant, et que dans peu vous vous trouverez en état de faire face aux sauvages. Les Osages ont commis encore quelques vols, nonobstant ils n'ont tué aucuns de nos chasseurs, s'étant contentés de leur prendre le fruit de leur chasse. Comme le fort que nous bâtissons chez eux ne sera achevé qu'à la fin de cette année, il n'est pas possible encore de les assujetir, comme il y a lieu d'espérer que nous y parviendrons par la suite.

Quant aux Chactaws, il n'y a pas de mal que les nations de l'autre bord leur fassent la guerre; cela les empêchera de fréquenter aussi souvent vos parages; et lorsqu'il voiront que vos habitans seront en force, il vous porteront plus de respect; au reste, un fort, et y mettrons garnison, dès que la guerre nous permettra de diminuer celle des postes les plus exposés. L'intention de Mr. de Maison Rouge est de former une peuplade réunie, afin d'être en état de s'y défendre aisement contre les sauvages, et d'y rassembler des artisans de toute espèce.

Je suis enchanté que vous vous trouviez, monsieur, chargé de ce commandement. Votre amour pour l'humanité, vos connaissances, votre désintéressement, tout me répond du zèle que vous emploïerez pour le succès d'une entreprise qui est de la plus grande conséquence pour cette colonie et pour l'Etat; car notre objet est de nous mettre hors de la dépendance des Américains pour l'approvisionnement des farines, que la Louisiane parviendra peut-être un jour à fournir à la Havane, ce qui lui procurera une nouvelle branche de commerce. Vous serez sûrement des plus satisfait du caractère, des connaissances, des vues particulières du Marqs. de Bâton Rouge; vous trouverez en lui un ami qui vous rendra agréable l'espèce de solitude dans laquelle vous avez vécu jusqu'à présent, et j'espère qu'à vous deux vous transformerez ces déserts en un pays enchanté, vu que les circonstances et la situation présente de l'Europe nous promettent d'y attirer un grand nombre d'émigrés utiles, car je n'y veux aucune espèce de gens oisifs, ou peu propres à l'agriculture.

J'ai l'honneur d'être, avec la plus parfaite considération, monsieur, votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

Translation of document No. 9, A 2.

NEW ORLEANS, *this 2d April*, 1795.

No. 1st. Received the 20th May.

Your hopes are at last about to be satisfied, sir; we have just passed a contract with Mr. the Marqs. of Maison Rouge for thirty, and so, of families of agriculturists, who are going to form an establishment at Ouachita, composed of French royalists, Hollanders, Flemish, and Germans; Mr. de Breard ci-devant ——— of marine, has departed for the ports

of the United States, where he will take them, and conduct them by the Ohio to Ouachita; perhaps he will ever bring more of them, for we have permitted him to take hired hands, (des engagés;) on the other hand, the Baron de Bastrop, a Hollander, has contracted also for a quantity of families, who will come to us direct from Holland; and I expect him himself from day to day by the upper river; Mr. de Maison Rouge, who unites all kinds of knowledge, has left here for Natchez; where he has gone to take his equipage, and a quantity of instruments fit for tillage, to a new establishment, and to build a saw-mill; for his principal object, and ours, is the cultivation of wheat, which will supply a grist-mill, which Mr. Tardiveaux is going to establish in the neighborhood of the city, like that which he has just made at New Madrid with the greatest success, with four grindstones, and in the most ingenious manner.

You will let Mr. de Maison Rouge choose four thousand arpents for his establishment, where it may seem good to him, which shall be delivered to him, in proportion as the families shall arrive, at the rate of ten arpents front by forty deep per family; that of Breard goes up by this boat, and I beg you to have for it every consideration, accommodating it in the best way you can, until the arrival of Mr. de Maison Rouge, and of another family, which has also remained at Natchez.

According to this plan you see, sir, that you will no longer be so isolated as heretofore, and that in a short time you will find yourself in a condition to make head against the savages; the Osages have again committed some robberies; nevertheless, they have not killed any of our hunters, having contented themselves with taking from them the fruits of their chase; as the fort which we are building among them will be completed only at the end of this year, it is not yet possible to subject them, as there is room to hope that we will succeed in doing afterwards.

As to the Choctaws, there is no harm in the nations of the other border making war upon them; it will prevent them from frequenting, so often, your neighborhood; and when they shall see that your inhabitants will be in force, they will bear you more respect; as to the rest, , a fort, and we will place there a garrison as soon as the war will permit us to diminish that of the posts the most exposed; the intention of Mr. de Maison Rouge is to form an united colony, so as to be in a state to defend himself there easily against the savages, and to assemble together there artisans of every kind.

I am enchanted that you should find yourself, sir, charged with this command; your love for humanity, your knowledge, your disinterestedness, all answer to me for the success of an enterprise which is of the greatest consequences for this colony and for the State; for our object is to place ourselves beyond dependence on the Americans for the provisioning of flour stuffs that Louisiana will succeed, perhaps one day, in furnishing to the Havana, which will procure her a new branch of commerce.

You will surely be highly satisfied with the character, knowledge, and private views of the Marquis of *Baton* Rouge; you will find in him

a friend who will render agreeable to you the kind of solicitude in which you have lived until now, and I hope you two will transform these deserts into an enchanted land; seeing that the circumstances and present situation of Europe permit us to draw thither a great number of useful emigrants, for I do not there any kind of indolent people, or people little adapted to agriculture.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

The BARON DE CARONDELET.

Letter of Carondelet to Filhiol (taken from the files in the case of the Mayor, Aldermen, and Inhabitants of Philadelphia and New Orleans vs. the United States.)

NOUVELLE ORLEANS, *ce 2 Juin* 1796.

No. 5.—Rep. le 14 Juil., par M. Breard.

J'ai reçu et lu, monsieur, avec un plaisir réel, la lettre que vous avez écrit à Mr. de Maison Rouge le 23 Avril, et dont vous me passez la copie dans celle du No. 10. Les représentations que vous lui faites sont fondées sur la justice, la raison, et la modération; s'il n'y a aucuns égards, il faudra emploïer la force des lois, et quoique j'apprendrais avec peine qu'il vous aie forcé à y recourir, je ne pourrai qu'approuver votre fermeté et soutenir vos décisions, car il n'est pas juste qu'un particulier tienne le public dans sa dépendance, et j'ignore, comme je le lui marque, ce que c'est que de s'écarter des loix et de la justice la plus impartiale.

Quant au Sieur Morrison, j'ai vérifié qu'il n'est nullement fondé à prétendre se maintenir sur un territoire qui ne lui appartient pas, et à le démembrer de celui que j'ai destiné au nouvel établissement; si cependant il y avait une maison et des travaux conséquens, je pourrai lui accorder la même extension de terre que s'il faisait partie du dit établissement, coupant court de cette façon à toute jalousie et prétentions des nouveaux colons.

Mr. de Maison Rouge me demande un arpenteur, mais l'établissement est encore trop peu conséquent pour cet effet, et vous pourrez, en attendant qu'il prenne vigueur, donner cette commission à quelques personnes de satisfaction, ou la remplir vous-même.

La prétention à l'établissement d'une comp'ie de cavalerie est une chimère dans les circonstances présentes; mais si le traité de limites a lieu, ce dont je doute encore, on pourra établir une garnison de troupe réglée au fort Miro.

Mr. le Baron de Bastrop, qui descend actuellement le fleuve, parviendra peut-être à convaincre Mr. de Maison Rouge de la nullité du système qu'il s'est formé; il m'a paru d'un caractère droit, rempli de bon sens, et d'une douceur qui l'a rendu chéri icy à tout le monde; vous en serez sûrement, monsieur, très content, et il contribuera à égayer votre solitude.

L'ordre que je vous passe concernant les engagés pour le nouvel éta-

blissement n'aura de force, prenez y bien garde, qu'autant que leur engagement aura été contracté hors des domains du roy, par écrit ou pardevant deux terrains impartiaux, au cas que l'intéressé ne sait pas écrire.

J'ai l'honneur d'être, avec la plus parfaite considération, monsieur, votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

Mons. FILHIOL.

Translation of document No. 10, A 1.

NEW ORLEANS, *this 2d June*, 1796.

No. 5, received the 14th July, by Mr. Breard.

I have received and read, sir, with a real pleasure, the letter which you have written to Mr. de Maison Rouge, the 23d April, and of which you send me the copy in that of No. 10; the representations which you make to him are founded on justice, reason, and moderation; if he has no regard to them, it will be necessary to employ the force of the laws; and, although I shall learn with pain that he should have forced you to have recourse to them, I cannot but approve your firmness and sustain your decisions; for it is not just that a private person should keep the public depending upon him, and I am ignorant, as I remark to him, of what it is to step aside from the laws and from the most impartial justice.

As to Mr. Morrison, I have ascertained that he is in no manner founded in pretending to maintain himself on a territory which does not belong him, and to dismember it from that which I have destined to the new establishment; if, however, he had there a house and consequent works, I could accord him the same extent of land as if he made part of the said establishment, cutting short in this manner all jealousy and pretensions of the new colonists.

Mr. de Maison Rouge asks me for a surveyor, but the establishment is as yet of too little consequence for this effect, and you can, while awaiting it to gain vigor, give this commission to some satisfactory persons, or fill it yourself.

The pretension to the establishment of a company of cavalry is a chimera in the present circumstances; but if the boundary treaty takes place, of which I doubt as yet, there may be a garrison of regular troops established at Fort Miro.

Mr. the Baron de Bastrop, who is at present descending the river, will succeed perhaps in convincing Mr. de Maison Rouge of the nullity of the system which he has formed for himself; he has appeared to me of an upright character, full of good sense, and of mildness that has rendered him beloved here by every one; you will surely, sir, be content with him, and he will contribute to enliven your solitude.

The order which I transmit you, concerning those engaged for the new establishment, will only have force—take good care of this—so far as their engagements shall have been contracted without the domains

of the King, in writing, or before two impartial witnesses, in case the party concerned does not know how to write.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant.

The BARON DE CARONDELET.

Mr. FILHIOL.

Carondelet's letter to Maison Rouge (taken from the files in the case of the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. the United States.)

Document marked A 3.

N'ELLE-ORLEANS, *ce 5 Mars*, 1797.

J'ai remis, monsieur, à Mr. de Grand-Pré, la vérification et décision des plaintes que vous me portez par votre lettre du 23, en égard à ce que ne me trouvant pas sur les lieux, il m'est impossible d'en juger par moi-même; cependant, je ne peux m'empêcher de vous dire votre dette vis-à-vis de Mr. de la Beaume, étant contractée purement et simplement par un billet qui ne fait nullement mention des réstrictions que vous représentez, vous êtes dans le cas de la satisfaire ou d'être exécuté d'après les lois de tous les pays. J'envoie à Mr. de Grand-Pré le mandement d'exécution, afin qu'il vous laisse les moyens d'entrer auparavant en arrangement avec Mr. de la Beaume, et que, si vous ne pouvez y parvenir, il lui donne le cours prescrit par la loi.

Toute estimation doit être faite par des experts nommés également par les intéressés; mais, lorsqu'ils ne peuvent s'accorder, le juge nomme le troisième.

J'ai dépesché votre requête pour faire constater votre propriété, quoiqu'elle ne fût pas en règle; d'après mon décret, vous devrez vous adresser á l'arpenteur général pour le titre légal. J'ai sçu de lui que son subdélégué, Dn. Vinzente Pintado, s'étant présenté l'année dernière *au* Ouachita, pour arpenter les possessions des habitans et les borner, ils s'y étaient refusés, en disant qu'ils n'avaient pas de quoi payer ses honoraires; nonobstant il ne peut voiager et travailler pour rien.

J'ai défendu à Carnet de s'établir *au* Ouachita sous quelque prétexte que ce soit, mais il va se placer au Natches, d'où il envoïera les Chactaws chasser de vos côtés, ce qui sera encore plus dangereux, car, les Natches n'étant plus à nous, nous n'aurons rien à lui dire. Pour rendre ce poste plus respectable, je vais y envoïer une petite garnison, mais je ne sçais où la loger; et il faudrait que les habitans aidassent á couper des palissades pour former une enceinte, ou espèce de fort, dans lequel ils se retireraient en cas d'insulte, et au milieu duquel je placerais une maison forte où se logerait la garnison. Un ingénieur doit partir, sous peu de jours, pour reconnaître son emplacement.

Vous sçaurez que le roy m'a nommé commandant général de ces provinces, et que je ne dépends plus que des ministres.

Nous attendons par momens le Baron de Bastrop, qui descend avec cinq mille quarts de farine.

J'ai l'honneur d'être, avec la plus parfaite considération, monsieur, votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

Mr. de Maison Rouge.

Translation of Doc. A 3.

New Orleans, *this 5th March*, 1797.

I have remitted, sir, to Mr. de Grand Pré, the verification and decision of the complaints which you bring before me by your letter of the 23d, taking into consideration that, not being on the spot, it is impossible for me to judge of it by myself; nevertheless, I cannot prevent myself from telling you that your debt towards Mr. de la Beaume, being contracted purely and simply by a note which it in no manner mentions the restrictions which you set forth, you are so situated that you must satisfy it or be executed upon according to the laws of all countries. I send to Mr. de Grand Pré the mandate of execution, in order that he may leave you the means of entering previously into arrangement with Mr. de la Beaume, and that, if you cannot succeed in doing so, he may give it the course prescribed by law.

Every appraisement should be made by experts named equally by the parties interested, but when they cannot agree, the judge names the third.

I have despatched your petition (requête) to have your proprietorship established, (constater,) although it was not in regular shape; according to my decree, you will have to address yourself to the surveyor general for the legal title. I have learned from him that his deputy, Don Vinzente Pintado, having presented himself last year at Ouachita to survey the possession of the inhabitants and the bounds, they had refused it, saying that they had not to pay his fees; nevertheless, he cannot travel and work for nothing.

I have forbidden Carnet to establish himself at Ouachita under any pretext whatever; but he is going to place himself at Natchez, whence he will send the Choctaws to hunt on your side, which will be still more dangerous, for the Natchez being no longer ours, we will have nothing to say to him. To render this post more respectable, I am about to send a small garrison there, but I do not know where to lodge it, and it would be necessary for the inhabitants to aid to cut palisades to form an enclosure, or species of fort, in which they could retire in case of insult, and in the midst of which I would place a strong house where the garrison would lodge; an engineer is to depart within a few days to reconnoitre its position.

You must know that the King has named me commandant general of these provinces, and that I am no longer dependant except of the ministers.

We expect momentarily the Baron de Bastrop, who is descending with five thousand quarters of flour.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

The BARON DE CARONDELET.

Mr. de Maison Rouge.

Filhiol's letter to Maison Rouge (taken from the files in the case of the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. the United States.)

Document marked A No. 5.

Monsieur le Marquis:

Par une lettre d'office de S. E. le gouverneur gr'l du 24 Juin d'er., il me donne avis que, pour des motifs qui intéressent également le service du roy, le bien g'ral et la tranquillité des postes des Natchitoches, Ouachita, Rapides et Avoyelles, il a nommé lieutenant gouverneur des dits postes le colonel Dn. Carlos de Grand-Pré, qui doit faire sa résidence *au* Ouachita, et m'enjoint d'obéir à ses ordres comme commandant de sa dépendance.

Par une lettre particulière du 30 Juillet, S. E. se plaint que vous avez laissé partir Mr. d'Aigrepont que vous *traittés* de colon, et auquel vous *avés* fait donner 100 ptres. en la dite qualité par le trésor, sous prétexte que les chenilles ont ravagé son *mahy*, l'assurant que Mr. d'Aigrepoint remettra cette somme au cas qu'il parte de la Louisiane; et [il] me dit de vous dire, de sa part, monsieur, que cette façon d'agir n'est pas en usage chez nous, où tout se fait avec la plus grande formalité.

S. E. ajoute: "Je vous charge également, monsieur, d'obliger, en l'absence de Mr. de Grand-Pré, Mr. de Maison Rouge à faire choix des 4000 arpens de terre, qui doivent se repartir aux 30 familles qu'il doit établir, lui défendant de déranger les anciens habitans, dont il doit écarter son établissement de façon à ne pas les gêner." J'ay l'honneur de vous prévenir, monsieur, que, faute d'avoir fait jusqu'à présent le choix de ces 4000 arpens, il ne vous est plus loisible de [le] faire qu'à six lieux du bayou Siard, vu que tout ce qui est renfermé dans cet espace, et qui n'est pas concédé, est destiné aux familles que le Baron de Bastrop doit introduire.

Par décret de S. E., il m'est enjoint d'agir juridiquement pour vous contraindre au payement de diverses de vos obligations, mont't à la somme de 283 ptres. Epargnez-moy, je vous prie, monsieur, ce désagrément, en satisfaisant tout de suite à cette somme. Décidez-vous, s'il le faut, à un sacrifice, auquel il faudra vous résoudre avant qu'il soit rendu plus conséquent par les frais qui s'ensuiveront. J'attends à cet égard votre réponse jusqu'au 20 du courant.

Je suis, avec respect, monsieur le marquis, votre très humble et très obéissant serviteur,

FILHIOL.

Fort Miro, *le* 12 *7bre*, 1796.

Translation of Doc. A No. 5.

Sir Marquis: By an official letter of his excellency the governor general of the 24th June last, he advises me that for motives which interest equally the service of the King, the general good, and the tranquillity of the posts of Natchitoches, Ouachita, Rapides, and Avoyelles,

he has named, as lieutenant governor of the said posts, Don Carlos de Grand Pré, who is to make his residence at Ouachita, and enjoins me to obey his orders as commandant.

By a private letter of the 30th July, his excellency complains that you have permitted the departure of Mr. D'Aigrepont, whom you treat as a colonist, and to whom you have caused 100 dollars to be given in said quality by the treasury, under pretext that the caterpillars have ravaged his corn, assuring it that Mr. D'Aigrepont will return this sum in case he should depart from Louisiana; and tells me to say to you, on his part, sir, that this manner of acting is not customary among us, where every thing is done with the greatest formality; that before letting Mr. D'Aigrepont abandon the establishment for which he had engaged himself, you should have obliged him to return to the King the 100 dollars which have been advanced to him, and for which you will find yourself accountable towards the royal treasury for having failed in this formality.

His excellency adds: I charge you also, sir, in the absence of Mr. de Grand Pré, to oblige Mr. de Maison Rouge to make choice of the 4,000 arpents of land which are to be distributed to the 30 families which he is to establish; forbidding him to disturb the ancient inhabitants, from whom he is to place his establishment apart in such a manner as not to incommode them. I have the honor to notify you, sir, that owing to your having failed until now in making choice of these 4000 arpents, it is no longer lawful for you to make it, unless at six leagues distance from the bayou de Siard, inasmuch as all that is comprised in this space, and which is not granted, is destined to the families which the Baron de Bastrop is to introduce there.

By decree of his excellency, it is enjoined upon me to act judicially, to constrain you to the payment of divers of your obligations, amounting to the sum of 283 dollars. Spare me, I pray you, sir, this disagreeable course, by satisfying immediately this sum. Decide yourself, if it must be so, to a sacrifice, to which you must make up your mind, before it be rendered of more consequences by the costs which will follow. I await on this subject your reply until the 20th instant.

I am, with respect sir, Marquis, your very humble and very obedient servant,

FILHIOL.

Fort Miro, the 12th September, 1796.

Petition of Bastrop to Carondelet (document marked A 6) taken from the files in the case of the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. The United States, already copied on pages 64 et 65 of this transcript.

Copy of Trudeau's certificate and plan of "Bastrop grant" annexed to Bringier's deposition, already copied on page 86 et seq. of this transcript.

Judge Bry's deposition (taken from the files in the case of the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. The United States.

THE MAYOR, ALDERMEN, &c., of Philadelphia, and the Mayor, Aldermen, &c., of New Orleans,
vs.
THE UNITED STATES.

Court of the United States for the district of Louisiana.

STATE OF LOUISIANA, *Parish of Ouachita:*

By virtue of a commission directed to any judge, justice of the peace, or magistrate, in the parish of Ouachita, State of Louisiana, from the honorable the court of the United States, for the district of Louisiana, dated at New Orleans, the 10th day of July, A. D. 1846, I, Paul McEnery, a justice of the peace in and for the parish of Ouachita and State aforesaid, this 22d day of February, 1847, took the depositions or answers of Henry Bry, a witness produced on the part of petitioners; which depositions are to be read in evidence on the trial of this cause, as follows:

Answer of witness to interrogatory the 1st. My name is Henry Bry; near 66 years old; born in Geneva, in Switzerland; my residence near Monroe, parish of Ouachita; my occupation farming.

Answer to interrogatory 2d. I became acquainted with Bastrop's grant when I first came here in August, 1803, and became acquainted with Bastrop who often spoke to me about his grant. The plaintiffs are in possession of lands claimed under the Bastrop's title, and situated within the limits of the survey of the grant. They have been in possession since the death of Stephen Girard, who willed it to them in the year 1831. Stephen Girard had been in possession at different succeeding times. His first purchase in his own name was made at auction in Philadelphia, on the 29th January, 1822; when and where the remaining part of Abraham Morehouse's share of the grant was offered the trustee of the heirs of Morehouse, and was purchased by Stephen Girard, James Lyle, and Robert E. Griffith in different proportions. The share of James Lyle was computed to be 62,281 arpents, and of Robert E. Griffith 25,785 arpents. Their representatives are also claimants in the grant under precisely the same title as the plaintiffs above named. The balance of the lands belonging to and claimed by plaintiffs was purchased by Stephen Girard from several owners at different times, whose titles were derived from Bastrop through Morehouse and others. The whole amount claimed by plaintiffs is computed at upwards of 212,000 arpents; their possession has been public and notorious, all the deeds relative thereto being recorded here; they have punctually paid all taxes to a large amount, and several persons have taken leases for small tracts from their agent. The oldest title under Bastrop or by Bastrop in person, is the one of Bastrop himself. In June, 1795, when Governor Carondelet ordered J. Filhiol, then commandant here, to designate 12 square leagues of land for the grant to Bastrop, the following year, same month, Carondelet approved the plan or plat made by Laveau Trudeau, of the 12th square leagues,

granting the same to Bastrop. I know this from having seen copies of the original title papers of the grant.

Answer to interrogatory the 3d. I never saw the original grant, nor do I know where it is, or what has become of it. I am, however, persuaded, that Bastrop took it from the archives of this parish when Vicente F's. Texeiro was commandant.

Answer to interrogatory the 4th. I never saw any original document of Bastrop grant.

Answer to interrogatory the 5th. I saw an authentic copy of the Bastrop's grant in the hands of John Nancarrow, who was an agent of Bastrop. I do not know precisely what year, probably in 1810 or 1811. He left with me when he last was here, about 16 or 18 years ago, asking of me to translate it for him. I never saw him since; he died in Natchitoches. I kept that copy, and it is hereto annexed, No. 1, and is the same which has been exhibited to the witnesses, who have spoken of it. I am well acquainted with the signatures to that document. I have often seen Bastrop, Pomet, and Villaret write *write*. I never saw Texeiro write, but by comparing it with other of him, I am sure that he signed this. Bastrop was a Hollander. I knew him since 1803; he died at St. Antonio de Bexar, as I was informed. I knew Villard at the same time; Pomet some time afterwards. Villard was a farmer, he died here about twenty years ago. Pomet was a clerk in a commercial house at the then post of Ouachita. He died, I believe, in Natchez, some years ago. None of these three persons held any public office or situation. If alive, Bastrop would, I think, be about ninety years old. Villard and Pomet nearly the same.

Answer to interrogatory the 6th. I was not here before 1803, when the persons who came under Bastrop's contract settled within the limits of the grant; I have seen a list of them, amounting to one hundred and eleven; I have known many of the heads of families therein named; to each of whom, I was informed by general report, 400 arpents had been allotted in the grant; I have also a statement from J. McLaughlin, annexed to same field notes of the survey of the grant, specifying the same number of persons as settled under Bastrop's contract; he was a deputy surveyor under Laveau Trudeau; I am well acquainted with McLaughlin's handwriting, and his statement hereto annexed, No. 2, was certainly written by him; a great number of families have since got possession of, and settled on tracts of land in, that grant, by purchase or otherwise, from its owners; the whole parish of Morehouse is included in it; its population cannot be less than 400 a 500 souls; the plaintiffs never sold any of their lands there.

Answer to interrogatory the 7th. I do not know of any other fact or circumstances which could be of advantage to the plaintiffs, except the unanimous opinion of all the inhabitants, that it is a good, bona fide grant, for the obtaining or keeping possession of which not the least appearance of fraud was ever resorted to; I can further state, what would have been better placed in answer to 2d interrogatory, to wit, the amount

of State and parish taxes paid by the plaintiffs and others on the Bastrop grant, as follows:

By S. Girard, from whom plaintiffs hold	$2,372 00
By the plaintiffs	6,044 00
By the representatives of James Lyle	2,145 00
By the representatives of Robt. E. Griffith	1,435 77
By preceding owners of the above	9,000 00

Of this last item I have not sufficient data to be precise; other owners in the balance of the grant, about ¼, have been taxed in the same proportion; direct taxes were also paid to the United States for 1816 on that grant; I have two receipts, which I annex hereto, No. 4 and 5, signed by Jonathan Morgan, employed by T. A. Blanc, collector; to his signature I testify, having seen him write very often; another receipt from Felix Arnaud, then State treasurer for State taxes for 1821, to Ed'd George, who was sent here by S. Girard as his agent, is also attached hereto, No. 3; I knew personally Ed'd George, and saw him write often; he certainly signed the deposition accompanying that receipt.

Answers of witness to cross interrogatories, viz:

Answer to 1st interrogatory. I have no interest in the event of this suit.

Answer to 2d interrogatory. No.

Answer to 3d interrogatory. I am not related to any one holding any of these lands, in any way, or interested in this suit.

Answer to 4th interrogatory. I am in terms of friendship with many owners in that grant.

Answer to interrogatory the 5th. I live within a few miles from the southwest corner of the grant.

Answer to 6th interrogatory. I have resided since 1804 in the neighborhood.

7th interrogatory answered in the above.

In answer to interrogatories 8th, 9th, 10th, 11th, 12th, and 13th, I can only say that, having been first here in August, 1803, it was but by general reports I was informed of what happened before in relation to the grant; when I arrived, there were many families settled thereon.

Answer to interrogatory the 14th. There was at my arrival here but one grist mill, which had been erected by Bastrop at the mouth of bayou Siard.

Interrogatories 15th and 16th answered by the above.

Answer to 17th interrogatory. Third interrogatory, in chief, is answered negatively.

Interrogatory 18th, 19th, 20th, 21st, 22d, and 23d, are answered by the above.

Answer to interrogatory the 24th. I was well acquainted with John Filhiol, former commandant of the post of Ouachita, under the Spanish government.

Answer to interrogatory the 25th. John Filhiol died about 24 years ago, and was then 82 or 83 years of age.

Answer to interrogatory the 26th. No.

Answer to interrogatory the 27th. I was, at my arrival in 1803, informed that there was an authorized deputy surveyor of the Spanish government; his name was J. McLauchlin; I became acquainted with him; he died seven years ago; in 1803, he appeared to be about 30 or 40 years old.

My answer to 4th interrogatory, in chief, is in the negative, and serves as an answer to interrogatory 29th.

My answer to interrogatory the 5th, in chief, will equally answer interrogatory the 29th, with the addition that I cannot tell how often I have seen Bastrop, Pomet, and Villard sign their names; Pomet very often, Villard less, and Bastrop not over 4 or 5 times.

Answer to interrogatory 30th. I never saw any other copy (authentic) of the grant than the one alluded to above, and annexed hereto, No. 1.

Answer to interrogatory 31st. No; I was not here in 1795 or 1796.

Interrogatory 32d answered by the above, as well as the 33d.

H. BRY.

Sworn to and subscribed before me, on this 22d day of February, A. D. 1847.

PAUL McENERY,
Justice of the peace.

STATE OF LOUISIANA, *parish of Ouachita:*

I, Paul McEnery, a justice of the peace in and for the parish of Ouachita, and State aforesaid, duly commissioned and sworn, do hereby certify, that the foregoing five pages contain the deposition or answers of Henry Bry, a witness produced on part of plaintiffs; which depositions or answers were taken by me on this 22d day of February, 1847, by virtue of a commission and interrogatories, hereto annexed, from the honorable the court of the United States for the district of Louisiana; that the answers of said witness were written out by me, and in my handwriting; that the answers of said witness were read over by him, and were sworn to and signed in my presence by said witness, as attested by me, after having been reduced to writing by me as aforesaid; and said witness stated, that his answers had been correctly written out before he signed them as aforesaid.

In witness whereof I have hereunto subscribed my name, this 22d day of February, A. D. 1847.

PAUL McENERY,
Justice of the Peace.

Sale of land by Bougliny to Daniel Clarke, dated 1st of June, 1804.

Aujourd'huy, premier jour de Juin de l'année mil huit cent quatre, la vingt-huitième de l'indépendance Américaine, après-midy,

Pardevant nous, Pierre Pedesclaux, notaire public des Etats-Unis d'Amérique, à la Nouvelle-Orléans, capitale de la Louisiane,

Fut présent le sieur Louis Bouligny, officier au service de Sa Majesté Catholique, mineur, âgé de vingt-trois ans, assisté et autorisé par le sieur Dominique Bouligny, son frère et son curateur ad bona et lites, le dit sieur Dominique Bouligny présent en personne, demeurant tous les deux en cette ville, paroisse de St. Louis;

Lequel dit sieur, Louis Bouligny, assisté et autorisé comme dit est, sous le double rapport d'exécuteur testamentaire et légataire universel de feu Sieur Joseph de Maison Rouge, avec pouvoir de vendre et disposer de tous les biens par lui laissés à son décès, ainsi qu'il l'a déclaré et ordonné par son testament reçu par nous, notaire et témoins, le vingt-six Août mil sept cent quatre-vingt-dix-neuf, a, par ces présentes, de son bon gré, propre mouvement et pure volonté, vendu, cédé, quitté et transporté, avec promesse de garantir de tous troubles, dettes, hypothèques, dons, douaires, évictions et autres empêchemens généralement quelconques, ce que je certifie, moi, notaire, annotateur quant à l'hypothèque seulement;

Au Sieur Daniel Clarke, négociant en cette ville, et demeurant paroisse St. Louis, cy-présent et acceptant pour lui, ses hoirs ou ayant-causes;

Une terre située *au* Ouachita, ayant trente lieues de superficie, composant deux cent huit mille trois cent quarante-quatre arpens, appartenant au dit sieur vendeur comme exécuteur testamentaire [et] légataire du dit défunt Sieur Maison Rouge, en vertu de la concession qui lui a été faite par le gouverneur de cette province le Baron de Carondelet, le vingt Juin mil sept quatre-vingt-dix-sept, dûment en forme, signé, contresigné et scellé.

La dite terre cy-dessus vendue, telle qu'elle se poursuit et comporte, et conformément au plan figuratif qui en a été fait par le Sieur Charles Trudeau, le quatorze Juin mil sept quatre-vingt-dix-sept, lequel plan le dit sieur vendeur a remis au dit sieur acquéreur, pour par lui s'y conformer.

Ne sont point compris dans la présente vente les terres qui se trouveraient occupées par des propriétaires cultivateurs, fondées sur des titres antérieurs à la dite concession.

Ne sont point compris également cinq arpens de terre de fond sur la profondeur ordinaire, que le feu Sieur de Maison Rouge a légué à la nommée Marie, sa domestique Irlandaise de nation, à prendre sur son habitation située au bayou de Barthelemy, même comté *du* Ouachita; mais pourra le dit sieur acquéreur faire à cet égard tel arrangement qu'il croira raisonnable, sans aucune garantie ni responsabilité de la part du vendeur.

La présente vente faite et acceptée entre les parties, aux charges, clauses, et conditions cy-dessus, et en outre pour et moyennant la somme de douze mille piastres gourdes, à valoir sur laquelle le dit sieur acquéreur a présentement et à vue de nous, notaire soussigné, compté et payé celle de six mille piastres gourdes, en espèces sonnantes du poinçon méxicain, au dit sieur vendeur, qui les a prises et serrées, l'en a quitté et quitte; et, à l'égard du surplus du prix de la présente vente,

montant à pareille somme de six mille piastres gourdes, le dit sieur acquéreur s'est soumis et obligé avec tous et chacun, ses biens, meubles et immeubles, de les payer et rembourser, au dit sieur vendeur, dans un an à compter de ce jour, ce qu'il a accepté, autorisé comme dit est, et s'est à l'instant désisté et séparé, du consentement de son tuteur, de tous droits de propriété sur la terre cy-dessus vendue en faveur du dit sieur acquéreur, qu'il en a saisi et revêtu, pour par lui en jouir comme de chose lui appartenant, dès maintenant et à toujours, et en prendre possession quand bon lui semblera.

S'oblige le dit sieur vendeur de ratifier ces présentes lors de sa majorité, à la première réquisition du dit sieur acquéreur, à peines de tous dépens, dommages et intérêts, car ainsi, et obligeant et promettant et renonçant; et dont acte, et jugé de son consentement,

Fait et passé en notre étude à la N'elle-Orléans, les jour et an que dessus, en présence des sieurs Jean Baptiste Ramirez et Joachim Lozano, témoins qui ont signé ainsi que les parties en présence de nous, notaire soussigné.

(Signé) DANIEL CLARKE,
DOMO. BOULIGNY,
LOUIS BOULIGNY.

JOAQN. LOZANO,
JEAN BTE. RAMIREZ.

PIERRE PEDESCLAUX, *Nre.*

Je, Louis T. Caire, notaire public dans et pour la ville et paroisse de la Nouvelle Orléans, dûment commissioné et assermenté, certifie que ce qui précède est une copie fidèle de l'original, faisant partie des archives en ma possession. En foi de quoi, j'ai délivré les présentes, auxquelles j'ai apposé le sceau de mon étude, à la Nouvelle-Orléans, le 7 Avril 1848.

[SEAL.] LOUIS T. CAIRE.

Sale of property by the executors of Daniel Clarke to Henry Turner, on the 26th January, 1814.

Be it known, that this day before me, John Lynd, notary public in and for this city of New Orleans, personally appeared Richard Relf and Beverly Chew, of this city, merchants, executors testamentary of the will of Daniel Clark, late of this city, deceased, and attorneys in fact of Mrs. Mary Clark, universal heiress of the same, who, in their said qualities, did, and that they do by these presents, grant, bargain, and sell, unto Henry Turner of Natchez, Mississippi Territory, merchant, here present and accepting, his heirs and assigns, one equal undivided quarter part of a tract of land situated in the county of Ouachita, in this State, consisting of about thirty leagues, superficies, containing about two hundred and eight thousand three hundred and forty-four arpens, being the same which was granted by the Spanish government, 20th June, 1797, to the Marquis de Maison Rouge; together with all the trees, woods, underwoods, ways, waters, water courses, profits, servitudes, and appurtenances to the same belonging, or in anywise appertaining.

To have and to hold the same unto the said Henry Turner, his heirs and assigns, to his and their proper use and behoof forever; and it is hereby declared to be clearly understood and agreed, by and between the parties hereto, that the said Henry Turner is content with the title which the succession of the said late Daniel Clark has to the land hereby sold and conveyed, and with the right of these appearers to sell the same, taking upon himself the strength and validity of the said title, and hereby renouncing all right to damages and indemnity in case of eviction or legal dispossession of the whole of said tract of land, or of any part thereof; and discharging the said succession from all responsibility having relation, direct or indirect, to the sale and purchase perfected by this act; but reserving and claiming the same rights which the said succession possessed before the passing of this act.

This sale is made for and in consideration of the sum of seven thousand five hundred dollars, of which two thousand five hundred dollars has been in hand paid to them, appearers, the receipt whereof is hereby acknowledged, and the remaining sum of five thousand dollars is to be paid, one-half at the expiration of one year from the first day of February next, and the other half at the expiration of two years from same date; payment acknowledged and release given, by act before me, notary, 17 November, 1814, to them, these appearers, or the survivor of them, or the lawful representatives of them or him; for the which payments, *will* and truly to be made, the said Henry Turner binds himself and his heirs firmly by these presents.

Thus done and passed at New Orleans, this twenty-sixth day of January, one thousand eight hundred and fourteen, in presence of George Pollock and John Poultney, jun., witnesses, who hereunto sign their names with the parties and me, notary.

(Signed) RICHARD RELF,
BEV. CHEW,
HENRY TURNER,
GEORGE POLLOCK,
JOHN POULTNEY, Jr.
JOHN LYND, *Notary.*

A true copy from the original in my office, New Orleans, 3d April, 1848.

[L. S.] THEO. GUYOL,
Notary Public.

Agreement of counsel as to sale by Chew and Relf, executors, &c., to D. W. Coxe, March 15, 1820.

HEIRS OF TURNER
vs.
THE UNITED STATES.

In the district court of the United States for the district of Louisiana.

It is admitted that the executors of Daniel Clark, Chew and Relf, conveyed to D. W. Coxe the remainder of the claim not claimed in

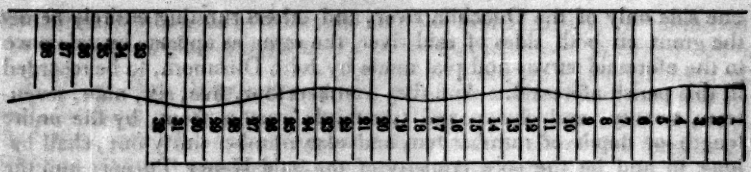
the matter by complainants, and that this admission is, by agreement, to be entered of record in lieu of document No. 24, filed at the trial of the case, and since supposed to be lost.

THOMAS J. DURANT,
Attorney U. S. for district of Louisiana.
PRENTISS & FINNEY,
Attorneys for plaintiffs.

Agreement of D. W. Coxe and H. Turner, dated April 17, 1819.

It is agreed, between Dan. W. Coxe, proprietor of three-fourth undivided parts or quarters of the Maison Rouge grant of land on the river Ouachita, and Henry Turner, proprietor of the remaining one-fourth thereof, hereunto subscribing, that they will employ John Dinsmore to survey and divide the said tract agreeably to said Coxe's agreement with him; that the division shall be made conformably to the plan at foot of this agreement, in tracts one mile in width, each running across the whole breadth of the grant; that then each tract or division shall be numbered on a plat or draft prepared for the purpose by John Dinsmore, and lots drawn therefor in the manner following: As many successive numbers as there may be shares or parcels of land shall be written on different pieces of paper of the same sizes, which shall be rolled up and put into a box, where a similar number of pieces of paper, one-fourth thereof with the name of Henry Turner written thereon, and three-fourths thereof with the name of Danl. W. Coxe written upon them, shall be rolled up separately and thrown together into another box; the boxes shall then be well shaken, and two persons, mutually chosen, shall draw one roll or paper from each box at the same time, which shall be opened and read by them, when the number thus drawn shall be deemed to belong to the person whose name was simultaneously drawn therewith, and shall be recorded as such by a third person, mutually agreed on. The boxes shall then be again shaken, and the same process of drawing the numbers and names simultaneously continued, till the whole is completed, when the person recording shall furnish each party with a list of his shares and numbers, which shall be binding on them; should there remain any surplus numbers or portions which can't be equally divided in the above mode, the parties will then subdivise them by drawing lots; and should either get in the division more than his proportionate number of arpents of the whole grant, he shall pay the other therefor at the average rate of the sales made of the land on the two sides of the river, within twelve months after such sales shall be made by D. W. Coxe; should H. Turner conclude not to sell his share, that is, the overplus of land obtained by either party on either side of the river shall be paid for at the average rate of sales on the same side thereof; should either party be unable to attend the division in person, he shall appoint an attorney to act for him, so as not to produce delay.

Natchez, April 17th, 1819.



This agreement signed in duplicate by us.

DANIEL W. COXE,
HENRY TURNER.

Act of partition between D. W. Coxe and H. Turner, dated March 27th, 1820.

Know all men by these presents, that whereas Daniel W. Coxe, esqr., of the city of Philadelphia, in the State of Pennsylvania, and Henry Turner, of the city of Natchez, in the State of Mississippi, the first one, to wit, Daniel W. Coxe, is proprietor of three undivided quarter parts of the grant made on the 20th of June, in the year of our Lord 1797, by the King of Spain, through the office of the Spanish government, and confirmed by him to the Marquis of Maison Rouge, and the other party, to wit, Henry Turner, is proprietor of one undivided quarter part of the said grant, did jointly enter into a written agreement at Natchez, on the seventeenth of April last, 1819, to divide and make partition of the said grant of land, as by reference to the aforesaid agreement recorded with the present in the office of the parish judge of the parish of Ouachita, wherein the greatest part of said grant is situated, will more fully appear. And whereas, further, John Dinsmore, esq'r, deputy surveyor of the U. S., having completed the survey of the main body of two hundred thousand arpens lying below the town of Monroe, in the parish aforesaid, in tracts of one mile in breadth, marked and numbered the same in the following manner, to wit: First, or upper tract, marked M M R, and the remainder of said lots, numbered one to thirty-three inclusive, some of them running entirely across the whole grant on both sides of the Ouachita river, and others being only on one side thereof. Therefore, it has been agreed between the said Daniel W. Coxe and Henry Turner, by his attorney in fact, Henry Bry, of the parish aforesaid, specially authorized for that purpose: ("The drawing of the several lots of land by the said parties having been first completed in conformity to the aforesaid written agreement:") That the following lots, as marked in John Dinsmore's plat of survey, shall belong to and be the sole property of him, the said Daniel W. Coxe, to wit: One marked M M R, at the upper end of the grant; and also the lots numbered one, two, three, seven, eight, eleven, twelve, thirteen, fourteen, fifteen, sixteen, eighteenth, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and sixteen and one-third arpents front, with the entire depth or length of number ten; also numbers twenty-seven, twenty-eight, twenty-nine, thirty, thirty-two, and thirty-three, some of said lots being situated on

one side only of the Ouachita river, and others running entirely across the grant on both sides of said river, the same as appears by reference to the aforesaid survey and plat made by John Dinsmore, to be recorded in this parish aforesaid. And that numbers four, five, six, nine, seventeen, twenty, and eleven and two-thirds arpents front, by the entire length or depth of number ten, and also number thirty-one, shall belong to and be the sole property of the said Henry Turner; and the said parties hereby declare and acknowledge that they respectively quit claim to, renounce, and confirm each to the other, their heirs and assigns, forever, all claim, right, title, or demand, in or unto the several lots and parcels of land marked or numbered as is herein specified and declared to belong to, as having been drawn by each party respectively; and they moreover hereby bind themselves, their heirs, executors, or assigns, to make, execute, or perform any further act or acts which may be necessary in law or equity for the more perfect release and conveyance, each to the other, of the lots or parcels of land so respectively drawn as aforesaid; reserving, however, till a final close of the survey by John Dinsmore, the settlement with each other for any surplus quantity of land which either party may have drawn more than his equal proportion, conformably to the tenor and condition of the aforesaid agreement of the 17th April last past.

In witness whereof both parties have hereto set their names the 27th day of March, 1820, in presence of Daniel Wade and Joseph Paxton.

(Signed) DANIEL W. COXE,
H. BRY,
Attorney in fact of Henry Turner.
ISAAC HENRY TURNER.

Witnesses present—

DANIEL WADE,
JOSEPH PAXTON.

Before me, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, personally appeared Daniel W. Coxe, acting for himself, and Henry Bry, acting as attorney in fact of Henry Turner, who declare and acknowledge the within act of partition to be their act and deed in presence of me, the said parish judge, and in presence of witnesses thereto subscribed.

In testimony whereof I have hereunto signed my name and affixed my seal of office this 3d day of April, 1820.

(Signed) OLIVER J. MORGAN,
Parish Judge.

I, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, do certify the foregoing act of partition to be recorded in my office in Liber E, folio .

[L. S.] Given under my hand and seal of office this 3d day of April, 1820.

(Signed) OLIVER J. MORGAN,
Parish Judge.

STATE OF MISSISSIPPI,
County of Adams.

I, Henry Wm. Hustington, notary public in and for the county aforesaid, dwelling in the city of Natchez, duly commissioned and sworn, do certify, that I have examined and compared the above and foregoing with the original, and find the same to be a true copy.

In testimony of which I have hereunto set my hand and affixed my seal of office at Natchez aforesaid, this fourteenth day of April, [L. S.] on the year one thousand eight hundred and twenty.

(Signed) HENRY WM. HUSTINGTON,
Notary Public.

Sale from Coxe to Turner, dated April 19th, 1820.

Daniel W. Coxe sells to Henry Turner, here present and accepting, the contents of lots numbers ten and eleven, which belong to him in the Maison Rouge grant, and lying on the western or right bank of the Washita river in descending, agreeably to the survey made by John Dinsmore, esq., which is to be put upon record by Oliver O. Morgan, esq., the parish judge, for the price and sum of one dollar, the receipt whereof is hereby acknowledged; and the said Daniel W. Coxe hereby engages to cause said numbers ten and eleven, or such part thereof as belongs to him, on the west or right shore aforesaid, to be conveyed to said Henry Turner by his, the said Coxe's, authorized attorney, Henry Bry, esq., or that it shall be done by himself; it being clearly understood that the parts of said numbers which are situate on the eastern shore of the Washita are not included in said sale; and, moreover, that said sale shall be separate and unconnected with their partition of the grant, and shall not be blended with that particular transaction; a special warranty to be given by D. W. Coxe to H. Turner against himself and his heirs for said land.

Baton Rouge, April 19th, 1820. Signed in duplicate in presence of Edward Dorsey, Gilbert Morris, and Alexander A. White, as witnesses.

(Signed) DANIEL W. COXE.

Accepted. (Signed) H. TURNER.

(Signed) EDW'D DORSEY,
(Signed) GILBERT MORRIS,
(Signed) ALEX. A. WHITE.

It is hereby further declared by D. W. Coxe, that the foregoing sale conveys to Henry Turner all the land owned by him and contained in lots numbered ten and eleven, situate on the west or right bank of the river Washita only in descending, and neither more nor less, as by reference to the deed of partition of the Maison Rouge grant, made on the day of March last past, recorded in the parish of Washita, will more fully appear, the word "only" being first interlined in the top line of this page.

(Signed) DANIEL W. COXE.

STATE OF LOUISIANA
City of New Orleans.

Be it known that this day, before me, Savinien Blanc, notary public in and for the said city duly commissioned, came Daniel W. Coxe and Henry Turner, esquires, parties to the foregoing instrument, who severally declared and acknowledged the same to be their free act and deed, for the purposes therein stated; that the same was by them signed and executed in presence of the witnesses therein named, and that the above explanatory note has been this day added by him, said D. W. Coxe.

In faith whereof the said appearers hereunto sign their names, and I, the said notary, grant these presents under my signature and seal of office, at New Orleans aforesaid, this twenty-fourth day of April, 1820, having first recorded the same in my current register by act of this date.

(Signed) DANIEL W. COXE,
(Signed) H. TURNER,
[L. S.] (Signed) SAVN. BLANC,
Notary Public.

I, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, do certify the foregoing deed from D. W. Coxe to Henry Turner to be recorded in my office.

In testimony whereof I have hereunto signed my name and affixed my seal of office this 22d day December, 1841.

[L. S.] (Signed) OLIVER J. MORGAN,
Parish Judge.

Sale from Turner to Coxe, dated April 19th, 1820.

Henry Turner sells to Daniel W. Coxe, here present and accepting, the contents of numbers seventeen, twenty, and thirty-one in the Maison Rouge grant of land in the river Washita, agreeably to the survey thereof made by John Dinsmore, esq., to be recorded by Oliver J. Morgan, esq., parish judge of the parish of Washita; the said numbers seventeen and twenty extending across both sides of the said river to the eastern and western bank lines, and the said number thirty-one being on the western side only thereof; all in consideration of the price or sum of one dollar, the receipt whereof is hereby acknowledged—a more regular conveyance in fee simple to be made by H. Turner to D. W. Coxe whenever required, with a special warranty only against himself and his heirs; and it is moreover agreed, that said sale shall be separate and altogether unconnected with the partition of said grant, and shall not be blended with that particular transaction. Signed in duplicate at Baton Rouge, April 19th, 1820, in presence of Edward Dorsey, Gilbert Morris, and Alex'r A. White, as witnesses.

(Signed) HENRY TURNER,
Accepted. (Signed) DANIEL H. COXE.
Test:
(Signed) EDW'D DORSEY,
(Signed) GILBERT MORRIS,
(Signed) ALEX'R A. WHITE.

STATE OF LOUISIANA,
City of New Orleans.

Be it known, that this day, before me, Savinien Blanc, notary public in and for the said city, duly commissioned, came the above named Henry Turner and Daniel W. Coxe, esquires, who acknowledged the foregoing instrument to be their free act and deed for the purposes therein stated, and that the same was by them signed and executed in the presence of the witnesses therein named.

In faith whereof the said appearers hereto sign their names, and I grant these presents, at New Orleans, this 24th April, 1820, [SEAL.] under my signature and seal of office, having first recorded the same in my current register by act of this date.

(Signed) DANIEL W. COXE,
(Signed) H. TURNER,
(Signed) SAV'N BLANC, *Not. Pub.*

STATE OF LOUISIANA,
Parish of Ouachita.

I, Oliver J. Morgan, parish judge in and for the parish and State aforesaid, do hereby certify the foregoing deed, &c., to be recorded in my office in liber F.

In testimony whereof I have hereunto signed my name and affixed my seal of office, this 22d day of December, 1821.
[SEAL.] (Signed) OLIVER J. MORGAN,
Parish Judge.

Close of evidence.

And afterwards, to wit, on the 19th of June, A. D. 1848, the court delivered the following judgment and decree:

Judgment.

HEIRS OF TURNER vs. THE UNITED STATES. } No. 32.

Monday, June 19th, 1848. May term.

Present: Hon. Theo. H. McCaleb.

This cause came on to be heard upon petition, answer, replication, depositions, exhibits, and proof, and the same was argued by counsel and submitted to the court; and the court having maturely considered the same, and being satisfied from the evidence that, on the 20th June, 1797, the Baron de Carondelet, then the Spanish governor of the province of Louisiana, having full power and authority so to do, did make to the Marquis de Maison Rouge a grant of thirty square leagues of land upon the Ouachita river, in the said province of Louisiana, and bounded and described as set forth in the map or figurative plan, prepared and executed on the fourteenth day of June, 1797, by Carlos Trudeau,

the surveyor general of said province, and annexed to plaintiffs' petition as exhibit "C," to wit, plat No. 1, on the right bank of the river Ouachita, commencing or starting five arpens below the mouth of the bayou Chenière au Tondre, till it reaches the bayou Calumet, with the depth necessary to complete or produce one hundred and forty thousand superficial arpens. The second plat, marked No. 2, on the left bank of the same river Ouachita, to start or begin two leagues below the Fort Miro, at the point called l'Aine, till it reaches the prairie de Lee, with the necessary depth to complete or produce sixty thousand arpens superficial. The third plat, marked No. 3, to start in front of the bayou de la Loutre, and from thence on a line running south sixty-five degrees east to the bayou Siar, which line the bayou Siar and bayou Barthelemy and the Ouachita bound said plat No. 3; and the plat No. 4, on the right bank of the Ouachita, to start in front of the entrance of bayou Barthelemy, running down the river till it reaches the bayou la Loutre; which plats, Nos. 3 and 4, with the corresponding or necessary depth, are to complete eight thousand three hundred and forty-four superficial arpens, and added to the plats Nos. 1 and 2, form together the superficial total of two hundred and eight thousand three hundred and forty-four superficial arpens, equal to the foregoing thirty leagues, at the rate of two thousand five hundred toises or fathoms per side for each league.

And being further satisfied that said petitioners are the legal and true owners, by title regularly derived from the said Marquis de Maison Rouge, of such portions of said grant as are claimed by them in their said petition; and being satisfied that said grant was and is a good and valid grant from the Spanish government to the said Marquis de Maison Rouge, and that the same is protected by the treaty made between the United States and the French republic on the thirteenth day of April, 1803, as well as by the laws of nations and the Constitution and laws of the United States.

Now this court, acting under and by virtue of the act of Congress of 26th May, 1824, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," and also an act, passed on the 17th day of June, 1844, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the 31st degree of north latitude, and between the Mississippi and Perdido rivers," doth order, adjudge, and decree, and it is hereby ordered, adjudged, and decreed, that the petitioners, Sarah Turner, Eliza Turner, Henry Turner, and George W. Turner, are the true and lawful owners of, and have good title against the United States, the defendants, in and to all the lands and hereditaments claimed by them in their said petition; which lands are described as follows, on a map or survey executed on the 27th March, 1820, by one John Dinsmore, by order of the surveyor general of the United States south of the Tennessee river, which map is marked exhibit "A," to wit, lots numbers four, five, six, and nine, lying on both sides of said river Ouachita, and

within tracts Nos. one and two of said grant and survey; also lots Nos. ten and eleven on the west side of said river, and six hundred and thirty-two acres of that part of said lot ten which lies on east side of said river, all within said tracts one and two; also one undivided fourth part of tracts three and four of said grant.

It is further ordered, adjudged, and decreed, that in case said lands so claimed by said plaintiffs in their said petition, or any part or portions thereof, shall have been sold by the United States, or otherwise disposed of, said plaintiffs shall be, and are hereby, authorized to enter, in any land office in the State of Louisiana, in parcels conformable to sectional divisions and subdivisions, a like quantity of public lands, after the same shall have been offered at public sale.

Judgment rendered and signed June 19th, 1848.

(Signed) THEO. H. McCALEB, [SEAL.]
U. S. Judge.

And afterwards, to wit, on the 22d of June, A. D. 1848, the following motion for, and order of, appeal were entered and filed of record:

Order of appeal.

TURNER'S HEIRS
vs.
THE UNITED STATES.

In the district court of the United States, for the district of Louisiana.

Present, the honorable Theodore H. McCaleb, judge.

May term, 1848.—Thursday, 22d June, 1848.

On motion of Thomas J. Durant, attorney of the United States for the district of Louisiana, it is ordered by the court that an appeal in this case be allowed to the Supreme Court of the United States, at Washington, returnable to the next succeeding term thereof.

Office of the clerk of the United States district court for the district of Louisiana.

I, Needler R. Jennings, clerk of the above entitled court, do hereby certify, that the foregoing one hundred and sixty-seven pages, together with the two plats of survey, one (exhibit A) inserted between pages 100 and 101, and the other between pages 108 and 109, form a true, faithful, and correct transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain case in chancery, wherein the Heirs of Henry Turner are plaintiffs, and the United States of America are defendants, No. 32 of the docket of land causes of the said court.

In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the said court, at the city of New Orleans, this fifteenth day of November, A. D. 1848, and of the independence of the United States of America the seventy-third year.

[SEAL.]

N. R. JENNINGS, *Clerk.*